



राजपत्र, हिमाचल प्रदेश

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

[खण्ड 25] शिमला, शनिवार, 14 मई, 1977/24 वैशाख, 1899 [संख्या 20

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14 मई, 1977/24 वैशाख, 1899 को समाप्त होने वाले सप्ताह में निम्नलिखित विज्ञप्तियां 'असाधारण राजपत्र, हिमाचल प्रदेश' में प्रकाशित हुईः—

विज्ञप्ति की संख्या	विभाग का नाम	विषय
No. 11-6/71-Co-op. (F&S), dated the 5th May, 1977.	Food and Supplies Department -do-	Rescission of the Himachal Pradesh Commodities Price Marketing and Display Order, 1975.
No. 11-6/74-Co-op. (F&S), dated the 5th May, 1977.	Nirvachan Vibhag	Rescission of the Himachal Pradesh Hoarding and Profiteering Prevention Order, 1974.
No. 4-15/71-Elec. II, dated the 9th May, 1977.	-do-	The Himachal Pradesh Nyaya Panchayat (Election) (Third Amendment) Rules, 1977.
No. 3-9/76-Elec., dated the 11th May, 1977.	-do-	Electio of members to Assembly Constituencies in the State in accordance with the Representation of the People Act, 1951 (43 of 1951) along with its Hindi version.
No. 3-9/76-Elec., dated the 11th May, 1977.	-do-	Publication of the Election Commission Notification No. 464/HP/77, dated the 11th May, 1977 along with its Hindi version.
No. 3-9/76-Elec., dated the 11th May, 1977.	-do-	Publication of the Election Commission Notification No. 464/HP/77, dated the 11th May, 1977 along with its Hindi version.

**भाग 1—संघानिक नियमों को छोड़ कर हिमाचल प्रदेश के राज्यपाल और हिमाचल प्रदेश हाई कोर्ट द्वारा
अधिसूचनाएं इत्यादि**

हिमाचल प्रदेश सरकार
PERSONNEL DEPARTMENT
NOTIFICATIONS
Simla-171002, the 13th April, 1977

No. 8-109/73-Apppt. I.—The Governor, Himachal Pradesh is pleased to depute Shri Bhag Singh, Superintendent of Police (CID), Simla to attend the 38th Senior Officers Course at Sardar Vallabh Bhai Patel National Police Academy, Hyderabad for 14 weeks from 2-5-1977.

The Governor, Himachal Pradesh is further pleased to order that Shri R. K. Kapoor, I.P.S., on return from training at Hyderabad, is posted as Superintendent of Police (CID), Simla vice Shri Bhag Singh.

Simla-171002, the 13th April, 1977

No. 6-12/75-Apppt. I.—Under rules 16 (a) of the Himachal Pradesh Police Service Rules, 1973, the Governor, Himachal Pradesh in consultation with the Himachal Pradesh Public Service Commission, is pleased to appoint the following permanent Inspectors of Police to the Himachal Pradesh Police Service, with immediate effect, on probation:—

1. Shri Kesho Ram,	Presently on deputation with Intelligence Bureau, Government of India, Ministry of Home Affairs.
2. Amrit Kumar,	-do-
3. Shri Brij Mohan Mathur	-do-
4. Shri Roshan Lal Aggarwal.	Presently on deputation with B.S.L. Project.
5. Shri I. D. Negi.	Presently working as Dy. Superintendent of Police on temporary basis.
6. Shri Gurdial Singh.	
2.	The Governor, is further pleased to order the posting of Shri Gurdial Singh, Inspector as Deputy Superintendent of Police, C.S.R.F., Dharamsala.

SUNEETA MUKHERJEE,
Joint Secretary.

Simla-2, the 14th April, 1977

No. PER(A)I-B(6)-2/77.—In Supersession of this Department's notification No. 1-5/75-DP (Apptt.), dated the 30th March, 1977, the Governor, Himachal Pradesh is pleased to order the following transfers and postings with immediate effect in public interest:—

1. Shri Paras Ram Officiating temporarily in H.P.A.S. Settlement Officer (Consolidation), Hamirpur is transferred and posted as Leave/Training Reserve in Himachal Pradesh Institute of Public Administration, Fair-Lawns, Simla-171012; and
2. The transfer and posting orders of Shri Raj Mani, H.A.S Sub-Divisional Magistrate, Kaza as Special Officer (Consolidation), Himachal Pradesh, Simla are stayed till further orders.

Simla-171002, the 18th April, 1977

No. 8-150/71-DP(Apptt.).—The Governor, Himachal Pradesh is pleased to declare the following *ex-cadre* posts as duty posts of Himachal Pradesh Administrative Service temporarily under-2(f) of the H.P.A.S. Rules, 1973 with effect from 30th March, 1977 till further orders:—

1. General Assistant to Deputy Commissioner, Sirmur ..	1 post.
2. General Assistant to Deputy Commissioner, Chamba ..	1 post.
3. General Assistant to Deputy Commissioner, Lahaul & Spiti ..	1 post.
4. District Development & Panchayat Officer, Hamirpur ..	1 post.
5. District Development & Panchayat Officer, Una ..	1 post.
6. Additional District Magistrate, Mandi. ..	1 post.

Total .. **6 Post**

L. HMINGLIANA TOCHHAWNG,
Chief Secretary.

FOREST FARMING AND ENVIRONMENTAL CONSERVATION DEPARTMENT
NOTIFICATIONS

Whereas it is considered necessary that portion of the protected forests specified in the notification shall be closed for a period of 15 years and that the rights of private persons over such portion shall be suspended during such period for the purpose of regeneration and artificial restocking in order to check erosion and whereas the remainder of such forests is sufficient and in a locality reasonably convenient for the due exercise of the rights suspended in the portion so closed and whereas it is further considered necessary to prohibit the doing of any or all of the acts mentioned in clause (c) of section 30 of the Indian Forest Act, 1927.

Now, therefore, in exercise of the powers conferred by section 30 (c) of the Indian Forest Act, 1927 (Act No. XVI of 1927), the Governor of Himachal Pradesh is pleased to declare that the portion of protected forests situated in Kunihar Forest Division as per Schedule given below, shall be closed for a period of 15 years

from the date of this notification and that the rights of private persons over such portions shall remain suspended during the said period of 15 years and he is further pleased to prohibit from the date of this notification:—

- (i) the quarrying and removal of stones;
- (ii) the burning of lime and charcoal;
- (iii) the breaking up or clearing for cultivation, for building, for herding cattle or for any other purpose;
- (iv) grazing by all kinds of animals throughout the year;
- (v) lopping and cutting of trees and bushes throughout the year;
- (vi) cutting of grass throughout the year;
- (vii) the collection or subjection to any manufacturing process, or removal of any forest produce in or over or from the portion so closed.

Note.—Grass cutting may be permitted free to right-holders on permits on such terms and conditions as may be imposed at the discretion of the D.F.O., Kunihar, in consultation with Gram Panchayat concerned.

SCHEDULE

No. Fts. (F)6-10/77.

Simla-171002, the 11th April, 1977

Tehsil: ARKI

Range: ARKI

Period	Name of forests	Total area of forest in Hec.	Area to be closed in Hec.	Khasra No.	Boundaries
15 years	Tooru UF	15	15	701/2	N.—Village Tooru. S.—Village Muknata and Dhundan. E.—Nautor land. W.—Village Tooru and Muknata.

By order,
R. C. GUPTA,
Secretary.

Whereas it is considered necessary that portion of the protected forests specified in the notification shall be closed for a period of 15 years and that the rights of private persons in or over such portion shall be suspended during such period for the purpose of regeneration and artificial restocking in order to check erosion and whereas the remainder of such forests is sufficient and is in a locality reasonable convenient for the due exercise of the rights suspended in the portion so closed and whereas it is further considered necessary to prohibit the doing of any or all of the acts mentioned in clause (c) of section 30 of the Indian Forest Act, 1927.

Now, therefore, in exercise of the powers conferred by section 30(c) of the Indian Forest Act, 1927 (XVI of 1927) the Governor of Himachal Pradesh is pleased to declare that the portion of protected forests is situated in Kunihar Forest Division as per schedule given

below, shall be closed for a period of 15 years from the date of this notification and that the rights of private persons in or over such portions shall remain suspended during the said period of 15 years and he is further pleased to prohibit from the date of this notification:—

- (i) the quarrying and removal of stones;
- (ii) the burning of lime and charcoal;
- (iii) the breaking up or clearing for cultivation, for building, for herding cattle or for any other purpose;
- (iv) grazing by all kinds of animals throughout the year;
- (v) lopping and cutting of trees and bushes throughout the year;
- (vi) cutting of grass throughout the year;
- (vii) the collection or subjection to any manufacturing process, or removal of any forest produce in or over or from the portion so closed.

Note.—Grass cutting may be permitted free to right-holders on permits on such terms and conditions as may be made and imposed at the discretion of the D. F. O., Kunihar, in consultation with Gram Panchayat concerned. Where damage is beyond normal, with Panchayats consultations, the habitual offenders may not be allowed grass.

SCHEDULE

No. Fts.(F)6-22/77.

Simla-171002, the 16th April, 1977

Tehsil : ARKI

Sl. No.	Name of range	Period	Name of forests	Total area of forest in Hec.	Area to be closed in Hec.	Khasra No.	Boundaries
1.	Arki	15 years	Bari DF	68	31	2167 Min. N.—Private land of Village Saryan. S.—Bagi Lolog UF. E.—Sariyan UF. W.—Garud-nag UF.	

No. Fts. (F)6-16/77.

Simla-171002, the 16th April, 1977

2.	Arki	15 years	Saryonj UF.	49½	20	2293 2168/10 2169/6 2171/7	N.—Private land and village Saryanj. S.—Private land and village Manal. E.—-do- W.—-do- and Bari DF.
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No. Fts. (F)6-15/77.

Simla-171002, the 16th April, 1977

3.	Arki	15 years	Dhundhan UF.	9.50	8	471/432	N.—Private land of Dhundhan. S.—Village Behal and Palani. E.—Village Palani W.—Villag: Behal
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Whereas it is considered necessary that portion of the protected forests specified in the notification shall be closed for a period of 15 years and that the rights of private persons over such portion shall be suspended during such period for the purpose of regeneration and artificial restocking in order to check erosion and whereas the remainder of such forest is sufficient and in a locality reasonably convenient for the due exercise of the rights suspended in the portion so closed and whereas it is further considered necessary to prohibit the doing of any or all of the acts mentioned in clause (c) of section 30 of the Indian Forest Act, 1927.

Now, therefore, in exercise of the powers conferred by section 30(c) of the Indian Forest Act, 1927 (Act No. XVI of 1927), the Governor of Himachal Pradesh is pleased to declare that the portion of protected forests situated in Kunihar Forest Division as per schedule given below, shall be closed for a period of 15 years from the date of this notification and that the rights of private persons over such portions shall remain suspended during the said period of 15 years and he is further pleased to prohibit from the date of this notification:—

- (i) the quarrying and removal of stones;
- (ii) the burning of lime and charcoal;
- (iii) the breaking up or clearing for cultivation, for building, for herding cattle or for any other purpose;
- (iv) grazing by all kinds of animals throughout the year;
- (v) lopping and cutting of trees and bushes throughout the year;
- (vi) cutting of grass throughout the year; and
- (vii) the collection or subjection to any manufacturing process, or removal of any forest produce in or over or from the portion so closed.

Note.— Grass cutting may be permitted free to right-holders on permits on such terms and conditions as may be imposed at the discretion of the D.F.O., Kunihar, in consultation with Gram Panchayat concerned.

No. Fts. (F) 6-21/77

Simla-2, the 28th April, 1977

SCHEDULE

Sl. No.	Tehsil	Name of range	Period	Name of forests	Total area of forest in Ha.	Area to be closed in Ha.	Khasra No.	Boundaries
1.	Kasauli	Kuthar	15 yrs.	Koti U.F.	103	19	131/1Min 258/1Min 159/1Min	N.—Nala. S.—Khad. E.—Mauza. Kharota. W.—Habita- tion of cultivated areas.

No. Fts. (F) 6-26/77

Simla-2, the 28th April, 1977

1.	Arki	Arki	15 yrs.	Jaghana D.F.	43	22	135 and 145 Min.	N.—Village Duneda & private lands. S.—Private land of Jaghana & Kot. W.—Private land of Jaghana. E.—Vill. Duneda ghasnies.
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No. Fts. (F) 6-18/77

Simla-2, the 29th April, 1977

1.	Arki	Arki	15 yrs.	Tunanu D.F.	144	30	1, 3 to 5, 12.	N.—Jeoli D.F. & Village Sarwan. S.—Village Nanog & Tenseta. W.—Village Chadera. E.—Village Badog & Changer.
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No. Fts. (F) 6-23/77.

Simla-171002, the 29th April, 1977

1.	Arki	15 years	Bani Chalama UF	46	14	61/12	N.—Village Chalama. S.—Village Materni. E.—Village Dawari. W.—Village Bani, village land.
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No. Fts. (F) 6-17/77.

Simla-171002, the 29th April, 1977

1.	Arki	15 years	Sheli UF	56	20	411/382	N.—Distt. Bilaspur. S.—UF Bhatka and Village land of Bhatka. W.—Village Sheli. E.—Village Dala.
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By order,
ANANG PAL,
Secretary.

REVENUE DEPARTMENT
'PONG CELL'
NOTIFICATIONS

Simla-171002, the 21st April, 1977

No. 4-4/74-Rev. Cell-II.—Whereas it appears to the Governor, Himachal Pradesh that land is likely to be required to be taken by Baira Siul Hydel Project Government of India at the public purpose, namely for construction of House and Store, it is hereby notified that the land in the locality described below is likely to be acquired for the above purpose.

This notification is made under the provisions of section 4 of the Land Acquisition Act, 1894 to all whom it may concern.

In exercise of the powers conferred by the aforesaid section, the Governor, Himachal Pradesh is pleased to authorise the officers for the time being engaged in the undertaking with their servants and workmen to enter upon and survey any land in the locality and do all other acts required or permitted by that section.

Any person interested, who has any objection to the acquisition of the said land in the locality may, within

thirty days of the publication of this notification, file an objection in writing before the Collector of Land Acquisition Officer, Baira Siul Hydel Project, Chamba.

SPECIFICATION

District: CHAMBA		Tehsil: CHURAH		Area	
Village	Khasra No.	Big.	Bis.	3	4
1	2	3	4		
SURANGANI	692/661	2	3		
	Total ..	2	3	Total ..	27

Whereas it appears to the Governor, Himachal Pradesh that land is likely to be required to be taken by Baira Siul Hydel Project Government of India at the public expense for a public purpose*, it is hereby notified that land in the locality described below is likely to be acquired for the said* purpose.

This notification is made under the provisions of section 4 of the Land Acquisition Act, 1894 to all whom it may concern.

In exercise of the powers conferred by the aforesaid section, the Governor, Himachal Pradesh is pleased to authorise the officers for the time being engaged in the undertaking with their servants and workmen to enter upon and survey any land in the locality and do all other acts required or permitted by that section.

Any person interested, who has any objection to the acquisition of the said land in the locality may within thirty days of the publication of this notification, file an objection in writing before the Collector of Land Acquisition Officer, Baira Siul Hydel Project, Chamba.

* Construction of 220 K.V.D/C Transmission Line.

No. 4-4/74-Rev-Cell-II.

Simla-171002, the 21st April, 1977.

SPECIFICATION

District: KANGRA		Tehsil: NURPUR		
Village	Tika	Khasra No.	Area in Kanals Marlas	
1	2	3	4	5

SALIALI/29	69/1	1	2	
	146/1	0	4	
	217/1	0	13	
	237/1	0	8	
	238	0	9	
	239	0	8	
	1108/1	0	16	
	1112/1	0	5	
	1131/1	0	3	
	1132/1	0	14	
	1133/1	0	1	
	1485/1	0	2	
	1537/1	1	3	
	1613/1	0	14	
	1594/1	0	11	
	2896/1	0	18	

1	2	3	4	5
		2851/1	1	0
		2852/1	0	2
		2997/1	1	2
		2998/1	0	3
		3034/1	0	18
		3037/1	0	7
		3038/1	0	3
		3116/1	1	2
		3204/1	1	6
		3196/1	0	2
		3184/1	1	2
		Total ..	27	18

No. 4-4/74-Rev-Cell-II.

Simla-171002, the 21st April, 1977.

KOPRA, SANGLOT	41/1	0	17
	44/1	0	4
	64/1	0	9
	65/1	0	8
Total ..	4	1	18

No. 4-4/74-Rev-Cell-II.

Simla-171002, the 21st April, 1977.

CHONKI, KOPRA	31/1	0	19
Total ..	1	0	19

No. 4-4/74-Rev-Cell-II.

Simla-171002, the 21st April, 1977.

BARAL/37	38/1	0	19
	40/1	0	19
	46/1	0	19
	95/1	0	19
	592/1	0	13
	593/1	0	3
Total ..	6	4	12

No. 4-4/74-Rev-Cell-II.

Simla-171002, the 21st April 1977.

KOPRA/32/10	58/1	0	5
	59/1	0	11
	60/1	0	7
	550/1	0	15
	551/1	0	5
Total ..	5	2	3

No. 4-4/74-Rev-Cell-II.

Simla-171002, the 21st April, 1977.

OND/31/1	84/1	0	14
Total ..	1	0	14

By order,
H. S. DUBEY,
Secretary.

**भाग 2—वैधानिक नियमों को छोड़ कर विभिन्न विभागों के अध्यक्षों और ज़िला मैजिस्ट्रेटों द्वारा अधिसूचनाएं
इत्यादि**

कार्यालय उपायुक्त, चम्बा (हिमाचल प्रदेश)
अधिसूचना

चम्बा-176310, 4 मई, 1977

सं 0 13 सी 0 एच 0 एम 0 14(224)/76-इलैक-III-764.—हिमाचल प्रदेश पंचायती राज अधिनियम, 1968 की धारा 68(1) तथा हिमाचल प्रदेश पंचायत समिति (निर्वाचित) नियम, 1973 के नियम 54 के अन्तर्गत मैं, योगेश खन्ना, उपायुक्त, चम्बा, हिमाचल प्रदेश, निम्नलिखित सारणी में चम्बा ज़िला की पांगी पंचायत समिति के निर्वाचित सभापति व उप-सभापति के निर्वाचित परिणाम सर्वसाधारण की सूचना हेतु अधिसूचित करता हूँ:—

सारणी

पंचायत समिति निर्वाचित सभापति का का नाम	नाम व पता	निर्वाचित उप-सभापति का नाम व पता
1	2	3

पांगी	श्री शम्भू राम सुपुत्र श्री अलिचन्द, ग्राम भेडवास, डा० किलाड़, तहसील पांगी, ज़िला चम्बा (हि० प्र०) ।	श्री व्यान सिंह सुपुत्र श्री टिका राम, ग्राम भलवास, डा० किलाड़, तहसील पांगी, ज़िला चम्बा (हि० प्र०) ।
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योगेश खन्ना,
उपायुक्त, चम्बा ।

INDUSTRIES DEPARTMENT

**DECLARATION UNDER SECTION 24 OF THE
HIMACHAL STATE AID TO INDUSTRIES ACT**

Hamirpur, the 14th April, 1977

No. Ind/Loan/DIO/1267/721.—Whereas a notice was served on Shri Gian Chand S/o Shri Sunder, Village Balute, P. O. Lamblu on 10-2-73 under section 23/27 of the Himachal Pradesh State Aid to Industries Act, 1971 calling upon the said Shri Gian Chand to pay me the sum of Rs. 500 (Rupees five hundred) only with interest thereon at the rate of 5½% per annum from 7-2-71 till date of final payment and whereas the said sum has not been paid in full, I hereby declare that the sum of Rs. 500/- with further interest thereon at the rate 8 per cent per annum from 7-2-71 till date of final payment is due from the said Shri Gian Chand and that the property described in the attached schedule is liable for the satisfaction of the said debt.

SCHEDULE

All assets present and to be hereinafter acquired by the loanee, whether the said assets are present or in future in his name including books, debts, stocks, shares, premises and machinery and purchased with the aid of loan or a part thereof and any other personal security of the loanee. Against land measuring 26 K. 14 M. in village Tehru of Shri Shankar Ram and 11 K. 4 M. in Tika Tikku and 7 K. 6 M. in Tika Tehru of Shri Thunia.

A. S. SALUJA,
Zila Udyog Adhikari, Hamirpur.

**DECLARATION UNDER SECTION 24 OF THE
HIMACHAL STATE AID TO INDUSTRIES ACT**

Hamirpur, the 14th April, 1977

No. Ind/Loan/DIO/1285/729.—Whereas a notice was served on Shri Prema s/o Shri Lehnu, village Dabsai, P. O. Bhira on 9-2-76 under section 23/27 of the Himachal Pradesh State Aid to Industries Act, 1971 calling upon the said Shri Prema to pay to me the sum of Rs. 1313-12 P. (Rupees one thousand three hundred thirteen and paise twelve) only with interest thereon at the rate of 5½ per cent per annum from 27-8-71 till date of final payment and whereas the said sum has not been paid in full, I hereby declare that the sum of Rs. 1313-12 P. with further interest thereon at the rate of 8% per annum from 27-8-71 till date of final payment is due from the said Shri Prema and that the property described in the attached schedule is liable for the satisfaction of the said debt.

SCHEDULE

All assets present and to be hereinafter acquired by the loanee, whether the said assets are present or in future in his name including books, debts, stocks, shares, premises and machinery and purchased with the aid of loan or a part thereof and any other personal security of the loanee. Against land measuring 18 Kanals in Tika Dabsai.

A. S. SALUJA,
Zila Udyog Adhikari, Hamirpur.

**DECLARATION UNDER SECTION 24 OF THE
HIMACHAL STATE AID TO INDUSTRIES ACT**

Hamirpur, the 14th April, 1977

No. Ind/Loan/DIO/1320/725.—Whereas a notice was served on Shri Gian Chand s/o Shri Bhag Singh, village Gharan, P.O. Bagwara on 29-5-73 under section 23/27 of the Himachal Pradesh State Aid to Industries Act, 1971 calling upon the said Shri Gian Chand to pay to me the sum of Rs. 1666-67 P. (Rupees one thousand six hundred sixty six and paise sixty seven) only with interest thereon at the rate of 8 per cent per annum from 22-3-73 till date of final payment and whereas the said sum has not been paid in full, I hereby declare that the sum of Rs. 1666-67 P. with further interest thereon at the rate 8 per cent per annum from 22-3-73 till date of final payment is due from the said Shri Gian Chand and that the property described in the attached schedule is liable for the satisfaction of the said debt.

SCHEDULE

All assets present and to be hereinafter acquired by the loanee, whether the said assets are present or in future in his name including books, debts, stocks, shares, premises and machinery and purchased with the aid of loan or a part thereof and any other personal security of the loanee. Against land measuring 43 Kanals 2 Marla in village Bajroh, Mauja Mewa of Shri Bidhi Chand s/o Shri Nihala.

A. S. SALUJA,
Zila Udyog Adhikari, Hamirpur.

DECLARATION UNDER SECTION 24 OF THE
HIMACHAL STATE AID TO INDUSTRIES ACT

Hamirpur, the 14th April, 1977

No. Ind/Loan/DIO/1787/704.—Whereas a notice was served on Shri Rup Lal s/o Purbi Ram, Village Paplah P. O. Bhareri, Hamirpur on 29-1-76 under section 27 of the H.P. State Aid to Industries Act, 1971 calling upon the said Shri Rup Lal to pay to me the sum of Rs. 1,000 (Rupees one thousand) only with interest thereon at the rate of 7 per cent per annum from 22-11-74 till date of final payment and whereas the said sum has not been paid in full, I hereby declare that the sum of Rs. 1,000 with further interest thereon at the rate of 9½% per annum from 22-11-74 till date of final payment is due from the said Shri Rup Lal and that the property described in the attached schedule is liable for the satisfaction of the said debt.

SCHEDULE

All assets present and to be hereinafter acquired by the loanee, whether the said assets are present or in future in his name including book debts, stock, shares, premises and machinery and purchased with the aid of loan or a part thereof and any other personal security of the loanee against credit worthiness certificate.

A. S. SALUJA,
Zila Udyog Adhikari, Hamirpur.

DECLARATION UNDER SECTION 24 OF THE
HIMACHAL STATE AID TO INDUSTRIES ACT

Hamirpur, the 14th April, 1977

No. Ind/Loan/DIO/713.—Whereas a notice was served on Shri Bhora Ram s/o Shri Gurdittoo Ram, village Channaid, P.O. Bhartlian on 12-3-75 under section 23/27 of the H. P. State Aid to Industries Act, 1971 calling upon the said Shri Bhora Ram to pay to me the sum of Rs. 1,000 (Rupees one thousand) only with interest thereon at the rate of 9% per annum from 31-3-72 till date of final payment and whereas the said sum has not been paid in full, I hereby declare that the sum of Rs. 1,000 with further interest thereon at the rate of

9% per annum from 31-3-72 till date of final payment is due from the said Shri Bhora Ram and that the property described in the attached schedule is liable for the satisfaction of the said debt.

SCHEDULE

All assets present and to be hereinafter acquired by the loanee, whether the said assets are present or in future in his name including book debts, stocks, shares, premises and machinery and purchased with the aid of loan or a part thereof and any other personal security of the loanee.

A. S. SALUJA,
Zila Udyog Adhikari, Hamirpur.

DECLARATION UNDER SECTION 24 OF THE
HIMACHAL STATE AID TO INDUSTRIES ACT

Hamirpur, the 14th April, 1977

No. Ind. Loan/DIO/1732/709.—Whereas a notice was served on Shri Varinder Kumar s/o Shri Banarsi Dass, Village & P. O. Hamirpur on 20-1-76 under section 23/27 of the H.P. State Aid to Industries Act, 1971 calling upon the said Shri Varinder Kumar to pay to me the sum of Rs. 1,000 (Rupees one thousand) only with interest thereon at the rate of 7 per cent per annum from 29-3-73 till date of final payment and whereas the said sum has not been paid in full, I hereby declare that the sum of Rs. 1,000 with further interest thereon at the rate 9½% per annum from 13-2-75 till date of final payment is due from the said Shri Varinder Kumar and that the property described in the attached schedule is liable for the satisfaction of the said debt.

SCHEDULE

All assets present and to be hereinafter acquired by the loanee, whether the said assets are present or in future in his name including book debts, stocks, shares, premises and machinery and purchased with the aid of loan or a part thereof and any other personal security of the loanee against credit worthiness certificate.

A. S. SALUJA,
Zila Udyog Adhikari, Hamirpur.

भाग 3—अधिनियम, विधेयक और विधेयकों पर प्रवर समिति के प्रतिवेदन, वैधानिक नियम तथा हिमाचल प्रदेश के राज्यपाल, हिमाचल प्रदेश हाई कोर्ट, काइनेशनल कमिशनर तथा कमिशनर आफ इनकम टैक्स द्वारा अधिसूचित आदेश इत्यादि

PERSONNEL DEPARTMENT
SECRETARIAT ADMINISTRATION SERVICES
NOTIFICATION

Simla-2, the 26th March, 1977

No. 8-45/74-SAS.—In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India and all other powers enabling him in this behalf the Governor, Himachal Pradesh is pleased to make the following rules to amend the Recruitment and Promotion Rules for the Post of Private Secretaries (Class II) in Himachal Pradesh Secretariat, notified *vide* notification No. 8-45/75, as subsequently amended from time to time:—

1. *Short title and commencement.*—(i) These rules may be called Recruitment and Promotion Rules for the Post of Private Secretaries (Class II) (1st Amendment) Rules, 1977.

(ii) They shall come into force and shall be deemed to have been in force *w. e. f.* 18th February, 1977.

2. *Amendments to Annexure.*—Under Col. No. 11 of Annexure 1 of the Recruitment and Promotion Rules for the Posts of Private Secretaries (Class II) the following be added:—

Note:—“In all cases where a junior person becomes eligible for consideration by virtue of his total length of service (including *ad hoc*) in the feeder post all persons senior to him in the respective category shall be deemed to be eligible for consideration and placed above the junior officials in the field of consideration:

Provided that all incumbents to be considered for promotion/confirmation should possess the minimum qualifying service of at least 3 years or that prescribed in these rules, whichever is less:

Provided further that where a person becomes ineligible to be considered for promotion/confirmation, on account of requirement prescribed in the preceding proviso, the person(s) junior to him shall also be deemed to be ineligible for consideration for such promotion/confirmation."

V. VERMA,
Under Secretary.

FINANCE DEPARTMENT

(TREASURIES AND ACCOUNTS ORGANISATION)

NOTIFICATION

Simla-171002, the 21st April, 1977

No. 11-12/75-Fin. (T&A).—The Governor, Himachal Pradesh, in consultation with the Himachal Pradesh Public Service Commission, is pleased to make Rules for S.A.S. (L.A.D.) Part-I, and Part-II Examination, to be conducted by the Himachal Pradesh Public Service Commission as per Annexure enclosed.

2. These rules shall come into force with immediate effect.

RULES FOR THE HIMACHAL PRADESH SUBORDINATE ACCOUNTS SERVICE EXAMINATION (LOCAL AUDIT DEPARTMENT) PART-I AND PART-II

1. *Short title, commencement and application.*—These rules may be called the Himachal Pradesh Subordinate Accounts Service (Local Audit Department) Examination Rules, 1976. These shall come into force with effect from the date of publication in the H.P. Government gazette.

2. *Definitions.*—In these rules, unless a contrary intention appears from the context:

- (a) "Appendix" means the appendix to these rules.
- (b) "Commission" means the Himachal Pradesh Public Service Commission.
- (c) "Department" means the Local Audit Department of the Government.
- (d) "Examination" means the Himachal Pradesh Subordinate Accounts Service (Local Audit Department) Part-I and Part-II Examination.
- (e) "Government" means the Government of Himachal Pradesh in the Finance Department (Treasuries and Accounts Organisation).
- (f) "Graduate" means a person possessing a Bachelor's degree of a recognised University or a qualification treated by the Government by an order issued in consultation with the Commission as equivalent to a Bachelor's degree.
- (g) "Recognised University" means a University established by a Central or State law in India.

3. *Eligibility.*—(1) Subject to other conditions prescribed in these rules all Junior Auditors, Clerks and Steno-typists of the Local Audit Department of the Government who are graduates and have put in at least one year's service in the Department will be eligible to appear in the Examination. Officials of these categories will, if they are matriculates but not graduates however be eligible to appear in the Examination provided they have put in at least four years' service in the Department.

(2) A candidate shall be eligible to appear in Part-II of the Examination after he has once appeared in one or more than one papers of Part-I of the Examination or applied for admission to Part-I Examination; provided, in the latter case, the Part-I examination is to be held before the commencement of Part-II of the Examination in question.

Note.—The condition of graduation will not apply to the Audit Staff transferred to the Department from the Panchayati Raj Department of the Government *vide* Panchayati Raj Department's notification No. 15-12/73-Panch, dated 9th July, 1974.

4. *Age limit.*—No official who has attained the age of 48 years on or before the 1st of January of the year in which the examination is held, shall be eligible to appear in the Examination.

Explanation.—The officials shall be required to pass both the parts *i.e.* Part-I and Part-II of the Examination within the prescribed age of 48 years.

5. *Pass percentage.*—1. Only those candidates shall be deemed to have passed the examination who obtain 40% of more marks in each paper and 45% or more marks in the aggregate for all the papers taken in the Examination.

2. A candidate who obtains 40% or more marks in some paper(s) of Part-I or Part-II shall not be required to appear in that/those paper(s) again.

3. A candidate, who obtains a pass in all papers of Part-I or Part-II of the Examination by securing 40% or more marks in one paper or more than one papers but fails in the aggregate, may reappear in such paper or one or more of such papers for securing the required aggregate of marks as prescribed in sub-rule (4).

4. A candidate shall not be allowed to appear in either part of the Examination more than five times.

Explanation.—For the purpose of this sub-rule, a candidate will be deemed to have appeared in Part-I or Part-II, as the case may be, if he is admitted into the Examination shall for any one or more of the papers of the relevant part.

5. A candidate who has obtained a pass in the paper on "Constitution of India (without books)", whether for Subordinate Accounts Service (Ordinary Branch) or Subordinate Accounts Service (Local Audit Department) Examination shall be deemed to have obtained a pass in this paper for the purpose of both the Examinations.

6. *Application form and place(s) of Examination.*—The Examination will be held by the Commission at such place(s) and on such dates as the Commission may determine. The applications for admission to the Examination shall be invited by the Commission on such form as may be prescribed by it. Permission to sit at the Examination shall be refused to a candidate who does not, by the closing day for receipt of applications to be notified by the Commission, send the prescribed examination fee. Examination fee once deposited will in no circumstances, be refunded or held over for a subsequent examination.

7. Part-I of the Examination shall be combined with Part-I of the Himachal Pradesh Subordinate Accounts

Service (Ordinary Branch) Examination. A candidate who qualifies in Part-I of that examination in whole or in part will also be deemed to have passed the relevant papers of the Himachal Pradesh Subordinate Accounts Service (Local Audit Department) Examination. This also applies to the Himachal Pradesh Subordinate Accounts Service (Ordinary Branch) examination held in the year, 1976.

8. *Fee for Examination.*—The fee for admission to the

examination shall be such as may be determined to the Commission from time to time.

9. *Syllabus.*—The syllabus for Part-I and Part-II of the Examination is contained in Appendix.

10. The candidates shall be required to bring their own books in the examination in those subjects in which the aid of such books is allowed. These books should be bare reference books and should not contain any annotations or other matter, printed, typed or hand-written.

APPENDIX

(SYLLABUS AS REFERRED TO IN RULE "9")

HIMACHAL PRADESH STATE S.A.S. (LOCAL AUDIT DEPARTMENT) EXAMINATION

PART-I

Sl. No. 1	Paper 2	Time allowed 3	Maximum marks 4	Syllabus prescribed 5
1.	Precis, Noting and Drafting	2½ hrs.	150	—
2.	Commercial Book Keeping	2½ hrs.	100	The paper will cover the following:— 1. Book Keeping upto trial balance. 2. Trading and Profit and Loss Accounts and Balance Sheet. 3. The correction of errors. 4. Depreciation, Sinking Funds, Reserves Funds and Secret Reserves. 5. Bills of Exchange, Promissory Notes and Cheques. 6. Accounts, Current and Average due date. 7. Self Balancing Ledger. 8. Capital and Revenue Accounts, Receipts and Payments Accounts, Income and Expenditure Account. 9. Manufacturing and Working Account and Cost Book Mining Company. 10. Cost Accounts. 11. Double Account System.
3.	Fundamental Rules (with books)	2½ hrs.	125	1. Fundamental and Supplementary Rules (excluding T.A. Rules). 2. Compilation of Civil Services Regulations (Pension and Provident Fund portion only).
4.	Audit and Accounts Codes (with books).	2½ hrs.	125	1. "An introduction to Indian Government Accounts and Audit".

Part I Chapters 1—4.

Part II Chapters 6—1 excluding following three Sections from Chapter 9:—

C—Defence Department.

D—Railway Department,

E—Post and Telegraph Department.

Part III Chapters 12—21.

Part IV Chapters 24—31 and 35—39 excluding the following Section from Chapter 31:—

C—Stores and Stock Accounts of Railway.

D—Stores and Stock Accounts of Posts and Telegraphs.

E—Purchase Organisation of Government of India.

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2. Account Code Vol. I
3. Account Code Vol. IV (Chapters 7 and 8 only).
4. Himachal Pradesh Financial Rules Vol. I (Chapter II excluding Section VI). Chapter III (Section I, II, III), Chapters V to VIII and Chapters XIII to XVII.

PART-II

5. Local Rules and Public Works Accounts Code (with books).	2-1/2 hrs.	100	1. Account Code, Vol. III, Chapter I, II and III (Section 1, 2, 5 and 6). 2. Supplementary Rules, (T.A. portion only). 3. Central Public Works Accounts Code (excluding portion pertaining to Administrative matters).
6. Acts of Legislature and Statutory Rules.	2-1/2 hrs.	100	1. Himachal Pradesh Municipal Act, 1968 (except sections 4 to 7, 10 to 28, 90 to 92, 122, 123, 140, 141, 150). 2. Punjab Municipal Executive Officers Act, 1931. 3. Himachal Pradesh Panchayati Raj Act, 1968. 4. Cattle Trespass Act. 5. H.P. Housing Board Act, 1971. 6. Income Tax Act, 1961. 7. Guardian and Minor Act, 1890. 8. H.P. Agricultural Marketing Produce Act, 1969. 9. H.P. Board of School Education Act, 1968. 10. H.P. Development of Capital (Regulations) Act, 1968.
7. Rules and regulations for the audit and inspection of accounts under the Local Audit Department H.P. (without books).	2-1/2 hrs.	100	1. Municipal Account Code. 2. Panchayat Samiti Rules, 1971. 3. Nyaya Panchayat Rules, 1972. 4. Gram Panchayat Rules, 1971. 5. Local Audit Department Manual. 6. Education Code (as applicable to Himachal Pradesh). 7. Guardian and Wards Rules. 8. Rest House Rules. 9. Medical Manual "as applicable to Himachal Pradesh" Chapter II, III, IV and IX. 10. Circulars issued for Municipal Committees. 11. Circulars issued by the Local Audit Department.
8. Constitution of India (without books).	2-1/2 hrs.	100	Part-I-(Whole) Part-V (Article 52, 53, 56, 59, 60, 61, 63 to 65, 67, 69, 70, 72 to 83, 85 to 101, 104 to 108, 110 to 117, 123, 124 to 128 and 141 to 151). Part VI (Article 153 to 156, 158 to 172, 174 to 190, 193 to 197, 199 to 202, 204 to 207, 213 to 224A, 229 to 237).

Parts-VIII, X, XI, XII, XIV and XVIII.

M. K. KAW,
Finance Secretary.HOME DEPARTMENT
NOTIFICATION

Simla-2, the 31st March, 1977

No.17-39/65-Home(A).—In exercise of the powers conferred by proviso to Article 309 of the Constitution of India and all other powers enabling him in this behalf, the Governor, Himachal Pradesh, in consultation with the Himachal Pradesh Public Service Commission is pleased to make the following rules to amend the Recruitment and Promotion Rules for the Post of Police Radio Officer Himachal Pradesh, Police Department, published *vide* notification No.1-6/71-Home, dated the 2nd July, 1973, in the Rajpatra, Himachal Pradesh, dated the 31st July, 1973, namely:—

1. *Short title and commencement.*—(i) These rules may

be called the Himachal Pradesh Recruitment and Promotion Rules for the Post of Police Radio Officer (First Amendment) Rules, 1977.

(ii) These rules shall come into force at once.

2. *Amendment of columns 10 & 11 of the annexure.*—For the existing entries under column No. 10 and 11 of the Annexure appended to this Government notification No. 1-6/71-Home, dated the 2nd July, 1973, publishing the Recruitment and Promotion Rules for the Post of Police Radio Officer in Police Department, Himachal Pradesh, shall be substituted with the following entries, as follows:—

(a) *Column 10:*

"By promotion failing which by direct recruitment".

(b) *Column 11:*

"By promotion from amongst Inspectors of Police

No Organisation with six years' service provided they possess the following qualifications:—

- (i) a pass in the matriculation or equivalent examination (from a recognised University/Board of Education) with English, Physics, Chemistry and Mathematics; and
- (ii) a pass in training course for Radio Operator Grade I from the Directorate of Police Tele-Communication (Directorate of Co-ordination) (Police Wireless), Government of India".

By order,
L. HMINGLIANA TOCHHAWNG,
Chief Secretary.

HORTICULTURE DEPARTMENT

NOTIFICATION

Simla-2, the 22nd March, 1977

No. 29-1/71-Hort. Sectt.—In exercise of the powers conferred by proviso to Article 309 of the Constitution of India and all other powers enabling him in this behalf, the Governor, Himachal Pradesh is pleased to make the following further amendments in the Himachal Pradesh Horticultural Services Class II Recruitment and Promotion Rules, 1977 adopted and notified *vide* notification of even number, dated the 28th January, 1974 as amended *vide* notification of even number, dated the 6th July, 1974, 10th July, 1975 and 22nd May, 1976, with immediate effect:—

In the Schedule to the said Rules the following proviso shall be added to foot-note No. 8:—

"Provided that all incumbents to be considered for promotion/confirmation should possess the minimum qualifying service of at least three years or that prescribed in the relevant Recruitment and Promotion Rules for the post/service, whichever is less:

Provided further that where a person becomes ineligible to be considered for promotion/confirmation, on account of the requirement prescribed in the preceding proviso, the person(s) junior to him shall also be deemed to be ineligible for consideration for such promotion/confirmation".

S. M. VERMA,
Avar Sachiv.

PUBLIC WORKS DEPARTMENT

NOTIFICATION

Simla-171002, the 31st March, 1977

No. 4-4/69-PW-B.—In exercise of the powers conferred on him *vide* sub-section (1) of section 68 of the H.P. Minor Canals Act, 1976 (Act No. 42 of 1976) the Governor, Himachal Pradesh, hereby proposes to make rules for carrying out the purposes of the said Act and the same are being published for information of general public and of persons likely to be affected thereby as required under sub-section (3) of section 68 of the said Act and notice is hereby given that the said draft rules

will be taken into consideration after the expiry of 30 days from the publication of this notification in the Rajpatra, Himachal Pradesh.

Objection or suggestion, if any, may be addressed to the Secretary (P.W.) H.P. Simla-171002. Any objection or suggestions which may be received from any person with respect to the said draft rules before the period specified above will be considered by the Himachal Pradesh Government.

DRAFT RULES

THE HIMACHAL PRADESH MINOR CANALS RULES, 1977

PART I

PRELIMINARY

1. Short title and commencement.—(1) These rules may be called the Himachal Pradesh Minor Canals Rules, 1977.

(2) These shall extend to the whole of Himachal Pradesh.

(3) These shall come into force at once.

2. Definitions.—In these rules, unless there is anything repugnant in the subject or context—

(a) "Act" means the Himachal Pradesh Minor Canals Act, 1976 (42 of 1976);

(b) "annexure" means annexure appended to these rules;

(c) "section" means the section of the Act;

(d) all other words and expressions used herein but not defined in these rules shall have the same meanings assigned to them in the Act.

PART II

CONSTRUCTION AND MAINTENANCE OF WORKS AND SUPPLY OF WATER

3. Application for permission to construct a canal intended to be fed from any source of supply notified.—Any person, desiring to construct a canal intended to be fed from any source of supply, which has been notified by the State Government, under section 4, shall apply, in writing, to the Collector for his permission, in the form as per Annexure-I.

4. Circumstances in which the permission to extend to construct a canal to be fed from any notified source cannot be accorded.—Water shall not ordinarily be granted to the lands,—

(a) where the length of the water course from its head to its point of contact with field exceeds 3 kilometres; or

(b) where the water supply or water in the canal, distributary, or water course is already fully utilised; or

(c) where, in the opinion of the Collector loss from wastage is likely to occur.

5. Closure or discontinuance of water courses.—

(1) Whenever the Collector is satisfied that the due distribution of water from the source of water is not possible, or the water course, sluice or outlet is not maintained in proper repairs or is subject to wilful damage or wrongful enlargement, or supply of water is not possible due to obstructions/interruptions caused by the natural forces, he may order the closure or discontinuance of the supply of water for a period so long such exigency on which the

water supply is ordered to be closed or discontinued remains.

(2) Whenever the Collector, on the receipt of a written declaration by the Medical Officer of health, is satisfied that the water course situated within the jurisdiction of any local authority is in such a defective sanitary conditions as to be a menace to public health, he may order the closure or discontinuance of water course till such time the defects are not set right. The water supply is not declared to be in hygenic and good sanitary condition.

(3) The order, under sub-rule(1) or (2) shall be in writing under the hand of the Collector and a copy of the same shall be conveyed by the authorities incharge of the canal with due expenditure to reach local authority and delivered to the responsible officer of such local authority, namely in case of villages to the Sarpanch of the village concerned and in case of Municipal Committees/Notified Area Committees to the President of the Municipal Committee or the Notified Area Committee concerned. The receipt of each person to whom a copy of the order is delivered shall be fixed to a schedule prepared for the purpose, which shall be maintained in the office of the Collector.

(4) It shall be the duty of the person, who receives the order referred to in sub-rule (3), to affix it at once at a conspicuous place in the village or town and to make its purport generally known to all concerned.

6. *Application for transfer of existing water course.*—The person, desiring that an existing water course should be transferred from its present owner to himself shall apply to the Collector in the form as given at annexure II to these rules and shall make the deposit of such amount as the Collector considers necessary to defray the cost of the preliminary proceedings and the amount of compensation that may become due under the provisions of section 19 in respect of such transfer.

7. *Preparation of demand statements.*—(1) The village Patwari or any other Officer authorised by the Collector shall prepare the demand statement and shall submit the same for the approval of the Collector of any other authority appointed by him in this behalf.

(2) As soon as the demand statement is prepared and approved under sub-rule (1) the same shall be kept open for inspection by the persons liable to pay the charges under the Act and these rules, in the office of the Patwari concerned.

(3) As soon as the demand statements of a Patwari Circle are completed, the Patwari shall inform the lambardars of the dates on which the demand statement will be distributed in each Village. The Lambardars shall call upon the irrigators to attend and receive demand statements from the Patwari. Undistributed demand statements shall be entrusted to the Lambardars of the villages concerned. The Patwari shall in every case endorse the date of distribution of the demand statement.

(4) If the irrigator desires to raise any objection about the correctness of the entries made against him in the demand statement,—

- (a) whether as to the fact of the land having been irrigated, or
- (b) of its being charged "Flow" or "Lift", or
- (c) as to the measurement and entries of class of crop, or
- (d) if he has been charged without having done any irrigation from the canal during the harvest under assessment; or

(e) if no demand notice has been delivered either to him or to the Lambardar, he may prefer the objection, in writing to the Collector within twenty one days from the date on which the demand of statement was served on him or in the case of clause (e) within ten days of the date on which he first became acquainted with the claim against him.

(5) The Objections raised under sub-rule (4) shall be investigated through any agency, as the Collector may deem fit, on spot within 15 days of their receipt and promptly disposed of by the Collector. The orders of the Collector in such cases shall be communicated to the objector and the orders as passed and communicated to the objector shall be final and binding on the objector.

8. *Method of dealing with alterations in the demand statement.*—If after the service of the demand statement any addition is made to the demand, or any reduction is allowed as a consequence of the decision taken by the Collector under sub-rule (5) of rule (7) or on account remission granted under rule 22 or under sub-section (6) of section 28, such addition or deduction shall be communicated to the irrigator as well as to the Collector by means of the supplementary demand statement. The demands shall be shown in blank and remissions in red letters.

WATER RATES

9. *Charges for use of water.*—Subject to the provisions contained in this Chapter the charges for the use of water shall be made on the basis of the class of crops cultivated and area irrigated and on the rates as specified in schedule of rates at annexure III to these rules.

10. *Charges leviable for a preliminary Watering (Paleve) when no crop is sown.*—(1) When a field receives the first or preliminary watering and afterwards no crop is sown, the lowest rate of charge for the 'Lift' or 'Flow' Irrigation, as the case be, will be levied.

(2) When a field receives the first or preliminary watering and afterwards a crop is sown, there shall, subject to the provisions of sub-rule (3), be payable in respect that watering the full rate specified in the schedule of rates to be charged for canal water supplied for the irrigation of the Crop.

(3) When a provision is made in the schedule for a special rate being charged for a single watering followed by a crop on the land irrigated from a channel to which the State Government has declared the special rate to be applicable, the rate to be charged for watering shall be such special rate and not the full rate which would otherwise be payable under sub-rule (2).

11. *Charges for mixed crop.*—(1) Mixed crops, which have no specific mention in the schedule of rates shall be assessed at the highest rate leviable on any of them.

(2) Crops grown separately in the same field shall be treated as mixed crop unless the division between them has been clearly marked by a well defined ridge.

12. *Charges leviable for field resown.*—When the original crop sown in a canal irrigated field fails and is ploughed up, and a fresh crop is sown in the same season, the water rate to be levied shall be the same as specified in the schedule of rates for the crop which comes to maturity.

13. *Water rate for fields partly irrigated.*—If only a portion of field be irrigated the water rate shall be chargeable on the whole field unless such portion has been clearly demarcated by a well defined ridge.

14. *Charges leviable in fields partly irrigated from canals partly from wells or other sources.*—When a portion of a field has been irrigated with canal water and a portion with water from a private well or any other source, the whole field will be treated as irrigated with canal water. Where the boundary demarcated by a well defined ridge exists between the two portions, enquiry will be made whether the use of water from a well or any other source was owing to deficiency in the supply of canal water in which case the canal charge on the portion irrigated by well or other source shall be exempted.

15. *Use of canal water courses, for conveyance of water from a well or any other source.*—If water from a private well or from any other private source is conveyed in the same channel as those of canal water in the same season, the whole of irrigation from that channel/channels shall be treated as irrigation from the canal.

16. *Charges leviable for irrigation from escape channels.*—When a natural drainage or channel or reservoir not being part of the canal is used as an escape channel, and if it is so used at the request of persons desirous of irrigation from it, they shall be levied water rates as follows:—

- (a) when the supply is permanent, the rates shall be governed by the rules as if the irrigation is from other parts of canal,
- (b) when the supply is intermittent, the rates may be allowed at such reduced rates as shall, from time to time, be fixed by the Collector in each case:

Provided that the area, if any irrigated from natural drainage or channel or reservoir prior to the introduction of canal water, shall not be liable to water rate, the amount in lieu thereof in such areas shall be determined by the Collector. In all cases in which water is supplied under this rule a written contract shall be executed setting forth the terms on which it is supplied.

17. *Owner's rate.*—(1) Where any irrigation scheme has come into operation for any one of the following purposes namely:—

- (a) extension of irrigation to new areas from any existing or projected canal, or
- (b) extension of irrigation to areas situated within the approved irrigation boundary of an existing canal system;

the Government shall levy owner's rate recoverable from the owners of the lands in addition to water rate, for areas so irrigated as under:—

(i) Perennial irrigation	Rs. 3 per acre m.u.c.i.
(ii) Restricted perennial irrigation	.. Rs. 2 -do-
(iii) Non-Perennial (Kharif) irrigation	.. Rs. 1.50 -do-

(2) The amount of owner's rate shall be shown separately in the demand statement of water rates and shall be realised from the land owners in the same manner as prescribed for the recovery of occupier's rates.

(3) When on a land, water rates have been remitted under provisions of rule 22, the owner's rate in respect of that land shall be deemed to be remitted automatically and the landowner concerned need not put in, an application for the same separately.

18. *Charges leviable for taking water from canal without permission or at times prohibited by a proper authority.*—

(1) Persons taking water from a canal without permission of or at the time prohibited by the proper authority, shall be chargeable with a special rates below, in respect of all lands on which water has flowed:—

- (a) *Culturable land:* Equal to six times and in addition to ordinary water rate leviable on the crop standing at the time in the area;
- (b) *Unculturable land:* Equal to six times the highest rate prescribed as occupier's rate given in the Schedule of rates for any one crop;
- (c) *Ponds:* Equal to six times the bulk rate provided for the time being in these rules:

Provided that in each case the Collector may levy for the reason to be recorded in writing, a lower charge if he thinks fit:

Provided further that this charge may be made for each district and on separate occasions on which water is so taken.

(2) If the person or persons taking water from a canal in an unauthorised manner cannot be identified, the persons chargeable shall be determined in accordance with the provisions of section 29; provided the water is conveyed through a water course.

(3) For the purpose of this rule, the area shall be measured up as soon as possible and the persons chargeable with the special rate having been determined, notice shall at once be given to them on each such occasion that they will be charged accordingly in the demand statement for the area thus watered.

(4) The special rate under this rule, shall be recovered in addition to the penalties which may be imposed on account of such use or waste of water.

19. *No water rate is to be enhanced or levied.*—(1) Notwithstanding anything contained in these rules, no enhancement of the water rate/rates levied under this Chapter, shall be made in consequence of the change of the class of lands from un-irrigated to irrigated land, for Rabi/Kharif harvests.

(2) Water rate shall not be levied,—

- (a) on crops grown merely with the aid of percolation and not actually irrigated;
- (b) on crops seriously damaged by swampings and deposits or other harmful action of bunds.

20. *Persons from whom rates leviable.*—(1) The rates prescribed, under these rules for the use in an authorised manner of water of canals shall be leviable from the occupiers of land. For this purpose the following persons shall, be deemed "Occupiers", namely:—

- (a) where the landowner is in actual cultivating occupancy, such landowner,
- (b) where the land is in the actual cultivating occupancy of a tenant or sub-tenant and the rent is not paid through a contractor, the landlord and such tenant or sub-tenant;

- (c) where land is in the actual cultivating occupancy of a tenant or sub-tenant but the rent is paid through a contractor, the landlord, contractor and such tenant or sub-tenant,
- (d) where the land is in actual cultivating occupancy of a mortgagee holding from a landlord, tenant, sub-tenant such mortgagee or mortagagor.

(2) In the cases referred to in clauses (b), (c) and (d) of sub-rule (1):—

- (a) the landlord and the tenant or sub-tenant, or
- (b) the landlord, the contractor and the tenant or sub-tenant, or
- (c) the mortgagee and mortagagor, as the case may be,

shall be jointly and severally liable for the payment of occupier's rate.

(3) The expressions "Landlord", "Landowner" and "tenant" in this rule shall have the meanings respectively, assigned to them in the Himachal Pradesh Land Revenue Act, 1954 (6 of 1954) and the Himachal Pradesh Tenancy Land Reforms Act, 1972 (8 of 1974).

21. Receipts and disposal of proceeds.—(1) Receipts shall be given by the Lambardar or other person making the collection to each irrigator on the payment of water rate.

(2) The proceeds of the water rate collected under sub-rule (1) after deduction of 3 per cent in case collection is made by the Lambardar, shall be credited to the general revenue under the Budget Head "106—Minor Irrigation, Soil Conservation and Area Development—

- (a) Receipts from L.I.S. water rates.
- (b) Receipts from Minor Irrigation works water rates".

(3) The Collector may withhold and credit to Government as a revenue by forfeiting the whole or any other portion of the sum payable to the Lambardar under sub-rule (2) if the realization not made by him in time, or if the Lambardar has failed to render proper assistance for the distribution and control of water or in the assessment of irrigation charges.

22. Remissions.—(1) In the event of the failure of an irrigated crop owing to a deficiency with the water of canal or the failure of an irrigated crop owing to crop diseases or natural calamities such as hail, severe dust storms, floods, locusts or other pests, the rates assessable on the land upon which the crop was sown shall be remitted in accordance with the provisions contained in this rule.

(2) Whenever circumstances exist to apprehend that the total produce of the land under irrigation in any cropping season is likely to be damaged to an extent of more than 10% of its normal produce, the irrigator or his agent in the form as given at Annexure IV shall issue a notice of such circumstances to the Collector in whose jurisdiction such damages is apprehended.

(3) Immediately on receipt of a notice under sub-rule (2) the Collector shall forward the same to the Tehsildar/Naib-Tehsildar, within 15 days of the receipt of notice. The Tehsildar/Naib-Tehsildar shall inspect the damaged

crop, mentioned in the notice and submit his report about the damage found to the Collector.

(4) The Collector after considering the report received under sub-rule (3) and after holding such further enquiry as he may consider necessary, shall order remission of the water rate for that crop as under:—

- (i) In case of damage Not exceeding 15% of the exceeding 20% but water rate. not exceeding 33%.
- (ii) In case of damage Not exceeding 25% of the exceeding 33% but water rate. not exceeding 50%.
- (iii) In case of damage Not exceeding 50% of the exceeding 50% but water rate. not exceeding 75%.
- (iv) In case of damage 100%. exceeding 75%.

(5) Any person aggrieved by the order of the Collector made under sub-rule (4) may within a period of 30 days from the date of such order prefer an appeal to the Commissioner:

Provided that the Commissioner, may entertain the appeal even after the expiry of the said 30 days if he is satisfied that the appellant was prevented by sufficient cause from filing the appeal on the earliest day. The Commissioner may, after affording the reasonable opportunity of being heard to the applicant, pass such order as he deems fit and his order shall be final.

23. Notice to landowners under S-48.—Soon after entering upon the land if any person under section 12 or taking possession of land under section 48(1) the Collector, or any Officer as authorised by him in this behalf, shall inform the landowner about the fact that the land has been entered into, or taken possession of, as the case may be, in the public interest.

24. Procedure to acquire land after taking possession.—(1) In all cases where the Collector has taken possession under sub-section (1) of section 48, he shall also require the owner, or all other persons interested in the land, to file their claims with regard to compensation.

(2) After taking possession under sub-section (1) of section 48, the Collector shall forward the case to the Government along with necessary details of the land.

(3) If in the opinion of the Government the possession of land in question has been taken in the public interest it shall declare that the land is required for a public purpose within the meaning of Land Acquisition Act, 1894 (1 of 1894) and direct the necessary action to be taken thereunder.

ANNEXURE I

(See rule 3)

FORM OF APPLICATION FOR THE PERMISSION OF THE COLLECTOR TO CONSTRUCT A CANAL INTENDED TO BE FED FROM ANY SOURCE OF SUPPLY NOTIFIED UNDER SECTION 4 OF THE HIMACHAL PRADESH MINOR CANALS ACT, 1976 (ACT NO. 42 OF 1976)

To

The Collector,

.....
.....

Sir,

In accordance with the provisions of sub-section (1) of section 5 of the Himachal Pradesh Minor Canals Act, 1976, I/we, whose particulars are given below, intend to effect the change or construction of a canal intended to be fed from any such channel, lake or other collection of water, the details of which are mentioned below:—

A. Particulars of the applicant:

Serial No.	Names with percentage	Address	Area of the land to be benefited
.....

B. Particulars of the canal and proposed change:

1. Name of supply channel.....
2. Proposed site of new outlet.....
3. Number of pipes required.....
4. Approximate area of land to be irrigated.....
5. Irrigation by overflow or lift.....
6. Approximate length of water course.....
7. Names of owners of land to be traversed by water course.....
8. Land irrigable from any existing outlet or not.....
9. Number and names of intending shareholders (if any) in the outlet applied for.....

Particulars to be filled by the office of the Collector

10. Number of outlets now in Supply channel.....
(a) Right Bank.....
(b) Left Bank.....
11. Width of bank including slopes and path way.....
12. Number of outlets now allotted to village.....
13. Culturable area:
(a) Whole village.....
(b) Applicant's land.....

14. Area already provided with irrigation.....

(2) I/We have endeavoured unsuccessfully to acquire from the owners of the land through which I/we desire such water course to pass, a right to occupy so much of land as will be needed for such water course. So I/we desire that you, on my/our behalf and cost, to do all things necessary for acquiring such right; I/we/am/are able to defray all cost involved in acquiring such right and constructing such water course to your satisfaction.

I/We certify that the information furnished above at serial Nos. (1) to (9) and para 2 above is true to the best of my/our knowledge and belief.

(Signature of Applicant
or
thumb impression if illiterate).

Sl. No.	Name	Address	Signature or thumb impression
.....

ANNEXURE II

(See rule 6)

FORM OF APPLICATION TO THE COLLECTOR FOR THE TRANSFER OF THE EXISTING WATER COURSE UNDER SECTION 17 OF THE HIMACHAL PRADESH MINOR CANALS ACT, 1976 (ACT NO. 42 OF 1976)

To

The Collector,

.....
.....

Sir,

In accordance with the provisions of section 17 of Himachal Pradesh Minor Canals Act, 1976 (Act No. 42 of 1976) I/we whose particulars are given below request you that the ownership of water course..... being fed by..... source of water, being held by..... may kindly be ordered to be transferred in my/our name(s) for the following reasons:—

1.
2.

The proposed transfer is necessary for the better management of the irrigation from the aforesaid water course. I/we have endeavoured unsuccessfully to procure such transfer from the above named present owner of the aforesaid water course and I/we desire you, on my/our behalf and cost, to do all things necessary for procuring such transfer. I/We am/are able to defray the cost of such

transfer and I/we have deposited the sum of Rs. to meet the cost of preliminary proceedings and the amount of compensation that may become due under the provisions of section 19 in respect of such transfer. In the event such deposit runs short, I/we undertake to pay the remaining balance well before the aforesaid transfer is materialised.

Signature of Applicant, or thumbimpression if illiterate.

Serial No.	Name	Address	Signature/thumb-impression
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ANNEXURE III

(See rule 9)

SCHEDULE OF OCCUPIERS' RATES IN FORCE ON MINOR IRRIGATION CANALS IN HIMACHAL PRADESH

Sl. No.	Nature of crop 2	Rate per Acre		
		Flow 3	Lift 4	5
	Rs.	Rs.		
1.	(a) Sugarcane (on Kharif channels) ..	13.60	27.20	Per crop
	(b) Sugarcane (except on kharif channels) ..	16.63	33.26	-do-
2.	Water nuts ..	11.34	22.68	-do-
3.	Rice ..	9.82	19.64	-do-
4.	Indigo and other dyes, tobacco, poppy, spices and drugs ..	8.30	16.60	-do-
5.	Cotton ..	6.80	13.60	-do-
6.	Melons fiber (other than cotton) and all crops not otherwise specified) ..	6.80	13.60	-do-
7.	Maize ..	5.65	11.30	-do-
8.	Kharif oilseeds ..	6.42	12.84	-do-
9.	Barley and Oats (except on kharif channels) ..	6.42	12.84	-do-
10.	Garden and Orchards (excluding rabi crops) and vegetables ..	8.30	16.60	Gardens and Orchards per half years and the rest per crop.
11.	All rabi crops (except wheat and grams) including garden, orchards and vegetables ..	3.05	6.10	-do-
12.	Wheat and Grams (on kharif channels) ..	2.78	5.65	Per crop
13.	Wheat and grams (except on kharif channels) ..	5.90	11.80	-do-

	1	2	3	4	5
14.	Bajra, Masoor and Pulses ..	4.91	9.82	Per Crop	
15.	Grams ..	4.50	9.00	-do-	
16.	Jawar, Cheena, Grass which has received two or more watering and all fodder crops including turnips ..	3.78	7.56	Grass per half year and the rest per crop.	
17.	Grass single watering ..	1.51	3.02	Per half year.	
18.	Watering for ploughing not followed by crops in same or succeeding harvests ..	1.51	3.02	-do-	
19.	Villages, Municipal and District Boards, Plantations ..	1.51	3.02	-do-	
20.	Paddock area as sanctioned by the local government ..	8.25	16.50	Per half year in whole area irrespective whether it be irrigated in part or whole or not at all.	
21.	Any number of water in kharif ..	1.51	3.02	Per half year.	
22.	One water in rabi ..	1.51	3.02	-do-	
23.	Two or more watering in kharif or rabi (General Rate) ..	3.05	6.10	-do-	

ANNEXURE IV

[See rule 22(2)]

FORM OF APPLICATION GIVING NOTICE OF CIRCUMSTANCES TO THE COLLECTOR FOR ORDERING REMISSION UNDER SECTION 29(6) OF THE HIMACHAL PRADESH MINOR CANALS ACT, 1976 (ACT NO. 42 OF 1976)

To

The Collector,

.....
.....

Sir,

In accordance with the provisions of sub-rule (2) of rule 22 of the Himachal Pradesh Minor Canals Rules, 1976 I We, Whose particulars are given below, give the notice of the following circumstances, the existence of which is likely to cause the damage to my/our crops, being irrigated by the water course..... being fed by..... spouse of water:-

The estimated damage is.....%.....of the normal produce of the crop of the land under irrigation. The particulars of the produce of the last two crops is as under:—

Name of crop Produce accrued Money value of the produce

(a)
(b)

The particulars of the crop and its location are given as under:—

(a) Name of crop.....
(b) Cropping season.....
(c) Location of the Area.....
land on which the Khasra No.....
crop is standing Village.....
(with khasra No. Patwar Circle.....
and Village etc.
with patwar circle).
(d) Name of supply channel.....
(e) Irrigation by over-flow or lift.....
(f) Number and names of share-holders in the damaged crop.....
(g) Particulars of general remission/concession extended by the State Govt. with regard to the same damage (if any).....
(h) Steps taken to reduce the apprehended damage to the crop.....

I/We certify that the information furnished above is true to the best of my/our knowledge and belief.

Signature of Applicant or
thumb impression, if illiterate.

Dated.....

भाग 4—स्थानीय स्वायत शासन: म्युनिसिपल बोर्ड, डिस्ट्रिक्ट बोर्ड, नोटिफाइड और टाउन एरिया तथा पंचायती राज विभाग

पंचायती राज विभाग

कार्यालय पंचायत समिति, आनी, ज़िला कुलू
अधिसूचना

आनी, 18 जनवरी, 1977

संख्या 102 (1).—पंचायत समिति आनी ने अपनी 18-1-1977 की बैठक जो श्री चरनदास ठाकुर की पंचायत अध्यक्षता में सम्पन्न हुई, निम्नलिखित उप-विधियां, हिमाचल प्रदेश पंचायती राज अधिनियम, 1968 की धारा 102 (1) के अन्तर्गत बनाई:—

1. पंचायत समिति की निम्न स्थाई समितियां होंगी:—

(1) (क) वित्त तथा कराधान की स्थाई समिति नं 0 1.
(ख) कृषि उत्पादन, पशु पालन, लघु सिन्चाई, शक्ति, यातायात तथा निर्माण कार्य के लिए स्थाई समिति नं 0 2.
(ग) शिक्षा, समाज कल्याण, सार्वजनिक स्वास्थ्य और सफाई जिसमें ग्रामीण पानी सप्लाई भी सम्मिलित है, सहकारिता तथा गृह निर्माण के लिए स्थाई समिति नं 0 3.

Serial No.	Name	Address	Signatures/Thumb-impression
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By order,
B. C. NEGI,
Secretary.

REVENUE DEPARTMENT

NOTIFICATION

Simla-171002, the 21st March, 1977

No. Rev-Misc/72-A.—The following amendment is hereby made in this notification No. 27-5/74-Rev-B, dated 29-3-76.

AMENDMENT

Substitute the following against Sl. No. 12 for the existing under col. No. 5:—

"16 September to 31 October."

By order,

H. S. DUBEY,
Financial Commissioner.

(2) स्थाई समिति नं 0 1 इस प्रकार होगी:—
(क) अध्यक्ष अध्यक्ष पंचायत समिति।
(ख) सचिव कार्यकारी अधिकारी, पंचायत समिति।
(ग) सदस्य समिति के अध्यक्ष द्वारा स्वीकृत तथा मनोनीत नौ सदस्य (अध्यक्ष के अतिरिक्त)।

(3) स्थाई समिति नं 0 2 इस प्रकार रचित होगी:—
(क) अध्यक्ष उपाध्यक्ष, पंचायत समिति।
(ख) सचिव कृषि विस्तार अधिकारी या जुनियर इंजिनियर या विस्तार अधिकारी उद्योग।
(ग) सदस्य पंचायत समिति के अध्यक्ष द्वारा पूर्व स्वीकृत और उक्त स्थाई समिति के अध्यक्ष द्वारा मनोनीत अधिकारी तम नौ सदस्य।

(4) स्थाई समिति नं 0 3 की रचना इस प्रकार होगी:—
(क) अध्यक्ष पंचायत समिति द्वारा चुना जायेगा तथा चुनाव होने तक अध्यक्ष पंचायत समिति द्वारा मनोनीत होगा।

(ख) सचिव

समाज शिक्षा एवं पंचायत अधिकारी या विस्तार अधिकारी सहकारिता ।

(ग) सदस्य

अध्यक्ष समिति द्वारा पूर्व स्वीकृत और उक्त स्थाई समिति के अध्यक्ष द्वारा मनोनीत नौ सदस्य ।

(5) कोई भी समिति सदस्य एक से अधिक स्थाई समिति का सदस्य न बन सकेगा ।

(6) प्रत्येक स्थाई समिति में न्यूनतम एक अनुसूचित जातीय सदस्य होगा ।

(7) प्रत्येक स्थाई समिति नं 0 2 और 3 में एक-एक महिला सदस्य होगी ।

(8) स्थाई समितियों के अध्यक्ष तथा सदस्यों का कार्यकाल एक वर्ष होगा । उसके तुरन्त पश्चात् नए अध्यक्ष तथा सदस्य नियुक्त होंगे । पुराने सदस्य की पुनः नियुक्ति पर कोई प्रतिबन्ध न होगा ।

2. समिति के पूर्णांगन के तुरन्त पश्चात् समिति के प्राथमिक, सह-विकल्पित पदेन सदस्यों की, पंचायत समिति कार्यालय में सूचना द्वारा सूचित तिथि तथा समय पर ऐसे सदस्यों का जो स्थाई समितियों के सदस्य बनाने हैं, के चुनाव, नियुक्तियों के लिये अध्यक्ष पंचायत समिति बैठक बुलायेगा । सदस्यों को बैठक की तिथि तथा स्थान की सूचना डाक एवं विशेष सदेशवाहक द्वारा बैठक की तिथि से न्यूनतम पूरे दस दिन पूर्व भेजी जायेगी ।

3. उपरोक्त सूचना सदस्य के साधारण निवास स्थान पर भेजी जायेगी ।

4. बैठक का समाप्तित्व समिति के अध्यक्ष या उनकी अनुपस्थिति में उपाध्यक्ष द्वारा किया जायेगा ।

5. साधारण बैठक में संख्या, समिति के मत देने का अधिकार रखने वाले कुल संदस्यों की संख्या का तीसरा भाग बनेगा और विशेष बैठक में उनका आधा भाग बनेगा ।

6. समिति अध्यक्ष उपस्थित सदस्यों को स्थाई समिति नं 0 3 के अध्यक्ष के लिये नाम प्रस्तावित और अनुमोदित करने को कहेंगे । यदि एक ही नाम प्रस्तावित तथा अनुमोदित हो तो स्थाई समिति नं 0 3 का अध्यक्ष वही चुना गया समझा जायेगा यदि एक से अधिक नाम प्रस्तावित एवं अनुमोदित हों तो अध्यक्ष समिति प्राथमिक तथा सह-विकल्पित सदस्यों को कहेंगा कि वे हाथ उठा कर प्राथमिकता दें । और वह प्रस्तावित सदस्य जिसको सर्वाधिक प्राथमिकता मिलेगी, वही स्थाई समिति नं 0 3 का अध्यक्ष चुना गया समझा जायेगा । यदि दो ऐसे सदस्यों में बराबर की प्राथमिकता हो तो अध्यक्ष समिति, भाग्य द्वारा निर्णय करेगा ।

7. यदि स्थाई समिति के अध्यक्ष अधिकार सदस्य का स्थान बृत्यु, त्याग-पत्र या किसी अन्य कारण से रिक्त हो जाता है तो नया सदस्य या अध्यक्ष, जैसा भी हो, का मनोनयन, समिति का सभापति सम्बन्धित समिति के सदस्यों के विचार विमर्श से करेगा ।

8. प्रत्येक स्थाई समिति उन शक्तियों का प्रयोग तथा कर्तव्यों का पालन करेगी जो धोक्षण-पत्र नं 0 1 में दी गई हैं ।

9. (क) स्थाई समिति दो मास में न्यूनतम एक बार बैठक करेगी ।

(ख) बैठक समिति कार्यालय में होगी ।

(ग) बैठक की तिथि तथा समय स्थाई समिति के अध्यक्ष द्वारा निश्चित किया जायेगा ।

(घ) बैठक की कार्यसूची स्थाई समिति के सचिव द्वारा समिति के अध्यक्ष की अनुमति से तैयार की जायेगी ।

10. स्थाई समिति के बहुमत के लिखित मांग करने पर, ऐसी मांग के एक सप्ताह के भीतर किसी समय भी, पंचायत समिति का अध्यक्ष, उक्त स्थाई समिति की विशेष बैठक बुलाएगा । यह बैठक उसी कार्यक्रम के लिए बुलाई जायेगी, जिसका वर्णन बहुमत की लिखित मांग में होगा । यह विशेष बैठक अध्यक्ष पंचायत समिति अपने तौर पर बुला सकेगा ।

11. स्थाई समिति की प्रत्येक बैठक उसके अध्यक्ष को अध्यक्षता में होगी । अध्यक्ष की अनुपस्थिति में उपस्थित सदस्य अपने में से एक सदस्य उक्त बैठक के लिए सभापति चुन लेंगे ।

12. जब तक कि स्थाई समिति की बैठक में पूरक संख्या न होगी तब तक कोई कार्य न हो सकेगा ।

13. कार्य सूची की किसी बात पर स्थाई समिति में यदि मतभेद हो तो बहुसंख्या का मत मान्य होगा । मतों की बराबरी होने पर सभापति को एक अतिरिक्त या निर्णयिक मत देने का अधिकार होगा ।

14. सम्बद्ध तथा पदेन सदस्यों को मत देने का अधिकार नहीं होगा, परन्तु वे विचार विमर्श में भाग ले सकेंगे ।

15. प्रत्येक कार्य जो स्थाई समिति द्वारा निपटाया जा सकता हो, सम्बन्धित स्थाई समिति द्वारा इस पर विचार कर लेना होगा । यदि उस में वित्त वांछित हो तो स्थाई समिति नं 0 1 द्वारा उसका निर्णय होगा । दो या अधिक समितियों में मतभेद की दशा में कार्यकारी अधिकारी इसको आगामी समिति की बैठक में प्रस्तुत करेगा ।

16. स्थाई समितियों की बैठकों की अध्यक्षता अध्यक्ष या उपाध्यक्ष करेंगे और उनकी अनुपस्थिति में उपस्थित सदस्यों में से उन्होंने द्वारा चुना गया सदस्य होगा ।

17. दो अथवा अधिक स्थाई समितियों ने यदि प्रतिस्पर्धी प्रस्ताव पास किये हों और संयुक्त बैठक में ऐसे प्रस्तावों का कोई निर्णय न हो सके तो कार्यकारी अधिकारी, पंचायत समिति या समिति अध्यक्ष के समक्ष रखेगा और ऐसे विषयों को अनिवार्य रखते हुए अन्य विषयों पर कार्यवाही कराएगा ।

18. प्रत्येक स्थाई समिति अपने अन्तर्गत विषयों पर कार्य करने और अपने प्रस्तावों को कार्यरूप देने में पंचायत समिति के कर्मचारी वर्ग की सहायता ले सकती है ।

19. पंचायत समिति द्वारा उपरोक्त उप-विधियों में जुटाये गये की स्थाई समितियों के अनुसार रखे जाने का प्रबन्ध न्यून अधिक संशोधन के साथ स्थाई समितियों पर भी लागू समय न हो। होंगे।

20. (क) स्थाई समिति की बैठक की कार्यवाही सम्बन्धित सचिव द्वारा कार्यवाही पुस्तिका में लिखी जाएगी और बैठक के तुरन्त बाद अध्यक्ष उस पर हस्ताक्षर करेगा। यदि किसी कारणवश ऐसा न हो सके तो बैठक के पश्चात् उसी दिन ऐसा करेगा।

(ख) स्थाई समितियों की संयुक्त बैठक के लिए पृथक कार्यवाही पुस्तिका रखी जाएगी जो कार्यकारी अधिकारी रखेगा और कार्यवाही पर अध्यक्ष के हस्ताक्षर बैठक के तुरन्त बाद होंगे। यदि ऐसा किसी कारणवश सम्भव न हो तो बैठक के पश्चात् उसी दिन करेगा।

21. (1) यह कार्यकारी अधिकारी पंचायत समिति का कर्तव्य होगा कि वह स्थाई समिति द्वारा पृथक या संयुक्त रूप से लिये गए सभी निर्णय पंचायत समिति की आगामी शीघ्र होने वाली बैठक में निम्न प्रमाण-पत्रों सहित रखेगा:—

(क) स्थाई समिति या समितियां, जैसा भी हो, के अधिकार योग्यता में है।

(ख) सूचनार्थ अथवा आज्ञार्थ है।

(ग) अमान्य किया जाये क्योंकि यह विधि, नियम, सख्तारी आदेश या नीतियों के विरुद्ध है।

(2) यदि कोई निर्णय स्थाई समिति/समितियों के अधिकार क्षेत्र से बाहर लिया गया हो तो पंचायत समिति—

(क) अपनी स्वीकृति प्रदान कर सकती है, यदि निर्णय उसके अधिकार क्षेत्र में हो।

(ख) सक्षम अधिकारी की स्वीकृति के लिए प्रेषित कर सकती है।

(3) यदि निर्णय स्थाई समिति/समितियों के अधिकार क्षेत्र में हो तो पंचायत समिति इसे सूचनार्थ नोट करेगी और आपत्ति नहीं उठा सकेगी।

(4) उच्चतर प्राधिकार पर पंचायत समिति की आज्ञा से कोई निर्णय लेना हो तो वह कार्य संचालन नियमावली के अनुसार समझा जायेगा और यदि पंचायत समिति के अधिकार क्षेत्र में होगा तो इस पर निर्णय ले लिया जाएगा। यदि विषय ऐसा हो जिस पर सक्षम प्राधिकारी की अनुमति की आवश्यकता हो तो पंचायत समिति उचित अभिशंकाओं सहित उक्त प्राधिकारी को प्रेषित करेगी।

(5) उपरोक्त (1) में दिये कारणों से यदि पंचायत समिति किसी विषय पर निर्णय न ले सके तो यह कार्यकारी अधिकारी, का कर्तव्य होगा कि वह धारा 102 के अधीन कार्यवाही की प्रतिलिपि ज़िला आयुक्त को ऐसी कार्यवाही करने के लिए प्रेषित करे, जैसा कि वह उचित समझे।

22. आपत्ति काल स्थिति में अध्यक्ष पंचायत समिति विषय को सीधा पंचायत समिति के समक्ष रखने को कह सकता है यदि उस विषय

की स्थाई समितियों के समक्ष उप-विधियों के अनुसार रखे जाने का समय न हो।

23. यदि स्थाई समितियों का कोई सदस्य (अध्यक्ष के अतिरिक्त) निरन्तर चार बैठकों में भाग न ले तो वह स्थाई समिति का सदस्य नहीं रहेगा और यह विषय शीघ्र आगामी पंचायत समिति की बैठक में प्रस्तुत किया जायेगा। समिति उस सदस्य की सदस्यता को, यदि अनुपस्थिति के बारे में सशक्त कारण हों तो पुनः स्थापित करेगी।

घोषणा-पत्र नं 0 1—पंचायत समिति की स्थाई समितियों की शक्तियां तथा कर्तव्य

क्रम संख्या	स्थाई समिति	शक्तियां तथा कर्तव्य	
		1	2
1.	स्थाई समिति नं 0 1	1. नौकरियों की उत्पत्ति । 2. बजट तैयार करना । 3. खण्ड में कर्मचारीगण की स्थिति का पुनः नीरीक्षण । 4. घोषणा पत्रों का प्रेषित करना तथा हिसाब-किताब का रखना । 5. पुनः नीरीक्षित तथा पूरक बजट तैयार करना । 6. प्रत्येक वित्तीय वर्ष की आय और व्यय का हिसाब रखना । 7. कर प्रस्तावों की व्यवस्था करना (बनाना) । 8. करों में कमी, समाप्ति, क्षमा या छूट बारे प्रस्ताव करना । 9. फीसों की प्राप्ति तथा मेलों के प्रबन्ध को ठेके पर देना । 10. फीसों तथा करों आदि की प्राप्ति । 11. कर्जों की स्वीकृति देना । 12. कर्जों की वापसी का नीरीक्षण करना । 13. पंचायतों के हिसाब-किताब तथा बजट का नीरीक्षण करना । 14. पंचायतों को उनके बजट एवं योजनाएं बनाने में सहायता करना । 15. चल एवं अचल सम्पत्ति का अभिग्रहण करना । 16. सम्बन्धित नियमों में प्रावधान की सीमाओं के अन्दर वित्तीय-स्वीकृति देना । 17. बीमा एवं लघु बचत द्वारा बचत की प्रवृत्ति को प्रोत्साहन देना ।	

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18. ग्राम पंचायतों को उनकी विकास योजनाओं को कार्यान्वित करने के लिए जिन्हें करने में वह असमर्थ हों वित्तीय सहायता की सीमा बारे निर्णय लेना एवं तकनीकी सहायता दिलाने का प्रबन्ध करना [धारा 101 (1)] ।

19. पंचायत समिति द्वारा समय-समय पर स्थाई समिति को दी गई शक्तियों एवं कार्यों को कार्यान्वित करना ।

2. स्थाई समिति नं 0 2

खाना नं 0 2
कृपया देखिये धारा 98 (1)

1. कृपि
2. पशुपालन तथा मच्छली पालन ।
4. यातायात ।
7. विविध केवल (2) से (10) तक ।

3. समिति को दिए गए विषयों बारे सारी योजनाओं के स्वीकृति करने यदि वांछित राशि समिति के अधिकार क्षेत्र में हो और उस राशि का आवश्यक प्रावधान हो ।

3. समिति को दिए गए विषयों बारे सारी योजनाओं के कार्यान्वयन का पर्यवेक्षण करना ।

4. दिए गए विषयों बारे योजनाओं के कार्यान्वयन के लिए मानव शक्ति स्रोतों को गतिशील करना तथा स्वैच्छिक दान द्वारा धन राशि जुटाना ।

5. दत्त विषयों बारे योजनाओं जिनके कार्यान्वयन का उत्तरदायित्व पंचायत समिति द्वारा पंचायतों को दिया गया है का पर्यवेक्षण करना ।

6. पंचायत समिति की पूर्ण सम्पत्ति (चल/अचल) का प्रबन्ध करना ।

7. ऐसी किसी समिति के निर्माण साधारण अथवा सुधार जो पंचायत समिति के नियन्त्रण या प्रबन्ध में हों बारे ग्राम पंचायत को स्थानान्तरण करने पर निर्णय देना धारा [101 (1) (11)] ।

8. दत्त विषयों में से कौन सा विषय ग्राम पंचायत को स्थानान्तरित करना है के बारे निर्णय लेना [धारा 102 (2) (1)] ।

9. पंचायत समिति द्वारा समय-समय पर स्थाई समिति को दी गई शक्तियों एवं कृत्य कार्यों को कार्यान्वित करना ।

3. स्थाई समिति नं 0 3
कृपया देखें धारा 98 ।

3. स्वास्थ्य एवं देहात की सफाई ।

5. सामाजिक शिक्षा

6. सहकारिता

7. विविध केवल (1), (10), (12), (14) से (16) तक ।

1. खाना नं 0 2 में वर्णित विषयों बारे सम्बन्धित अधिकारियों द्वारा निर्मित योजनाओं पर विचार करना तथा संशोधन सहित अथवा बिना संशोधन उन्हें अनुमति प्रदान करना ।

2. दत्त विषयों बारे योजनाओं को स्वीकृत करना यदि उक्त योजनाओं में वांछित राशि स्थाई समिति के अधिकार क्षेत्र में हो और उसका आवश्यक प्रावधान हो ।

3. स्थाई समिति को दत्त विषयों के बारे में सारी योजनाओं के कार्यान्वयन का पर्यवेक्षण करना ।

4. दत्त विषयों बारे योजनाओं के कार्यान्वयन के लिए मानव शक्ति स्रोतों को गतिशील करना तथा स्वैच्छिक दान द्वारा धन राशि जुटाना ।

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5. दत्त विषयों बारे योजनाओं, जिनके कार्यान्वयन का उत्तर-दायित्व पंचायत समिति द्वारा पंचायतों को स्थानान्तरित किया गया है, का पर्यवेक्षण करना।

6. दत्त विषयों में से कोन सा विषय ग्राम पंचायतों को स्थानान्तरित करना है, के बारे निर्णय लेना [धारा 101 (2) (1)]।

7. पंचायत समिति द्वारा समय-समय पर स्थाई समिति को दी गई शक्तियों एवं कृत्य-कार्यों को कार्यान्वित करना।

4. संयुक्त स्थाई समिति नं 1 तथा 2।

1. स्थाई समिति 2 की दत्त विषयों के बारे योजनाओं की स्वीकृति देना जो उसके अधिकार क्षेत्र के बाहर की हों, यदि—
(क) योजनाएं पंचायत समिति के अधिकार क्षेत्र में हों;
(ख) और उसके लिए विस्तीर्ण प्रावधान हो।

2. स्थाई समिति 3 को दत्त विषयों बारे जो पंचायत समिति के अधिकार क्षेत्र में न हों एवं पंचायत समिति के समक्ष रखने से पूर्व जिला परिषद् या सरकार की स्वीकृति वांछित होने पर विचार करना।

5. संयुक्त स्थाई समिति 2 तथा 3।

1. स्थाई समिति 3 को दत्त विषयों के बारे योजनाओं की स्वीकृति देना जो उसके अधिकार क्षेत्र के बाहर की हों, यदि—
(क) योजनाएं पंचायत समिति के अधिकार क्षेत्र में हों;
(ख) और उसके लिए विस्तीर्ण प्रावधान हो।

2. यदि समिति के दत्त विषयों बारे जो पंचायत समिति के अधिकार क्षेत्र में न हों एवं पंचायत समिति के समक्ष रखने से पूर्व जिला परिषद् या सरकार की स्वीकृति

वांछित हो, पर विचार करना।

6. सभी स्थाई समितियों के लिए सामान्य।

1. ऐसी सभी शक्तियां तथा कृत्यकार्य जो जिला परिषद् ने पंचायत समिति को सौंपे हों और उसने आगे स्थाई समिति को सौंप दिये हों।

2. विषयों के बारे रिकार्ड, रिपोर्ट एवं सूचना मंगवाना।

3. ग्राम कार्यकर्ताओं से दत्त विषयों के बारे रिकार्ड, रिपोर्ट एवं सूचनाएं मंगवाना।

4. उप-विधियां बनाना।

5. दत्त विषयों सम्बन्धित योजनाओं में से कोई योजना कार्यान्वयन के लिए ग्राम पंचायत को हस्तांतरित करने की शक्ति।

6. अधिकारियों को समिति की बैठक में भाग लेने के लिए बुलाना (धारा 95)।

7. संयुक्त स्थाई समितियां।

धारा 102 (1)
तथा 102(2)।

1. खण्ड विकास योजनाएं तैयार करना तथा स्वीकृत करना।

2, 3. स्थाई समितियों को दत्त विषयों सम्बन्धित योजनाओं में समन्वयन।

पंचायत समिति अपने कार्य सम्पादन के प्रत्येक 2 मास के बाद साधारण बैठक बुलाएगी। यह बैठक पंचायत समिति के कार्यालय में होगी। तिथि, समय तथा कार्य सूची का नोटिस प्रत्येक सदस्य को पूरे 10 दिन पूर्व घ्रन्थक व उसकी अनुपस्थिति में उपाध्यक्ष प्रेषित करेगा और इस साधन से जो भी उचित समझे (धारा 79 तथा 80)। विशेष बैठक के लिए न्यूनतम पूरे चार दिन पूर्व नोटिस देना होगा। इसी प्रकार स्थगित बैठकों के लिए भी नोटिस जारी करने होंगे।

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<p>इसी प्रकार स्थगित बैठकों के लिए पुष्टीकरण के पश्चात हस्ताक्षर करवाएगा।</p>	<p>धारा 102 (8) (क) पंचायत समिति अथवा स्थाई समिति की बैठक जिसमें ऐसी सुविधा पर विचार हो रहा हो जिसमें किसी सदस्य की आर्थिक रुचि हो वह सदस्य विशेष उस बैठक में बैठ तो सकेगा परन्तु विचार विमर्श में भाग नहीं ले सकेगा।</p>
<p>धारा 102 (3) कार्यकारी अधिकारी, पंचायत समिति की कार्यवाही उसी समय कार्यवाही पुस्तिका में लिखेगा और अन्त में अध्यक्ष के हस्ताक्षर करवायेगा। यदि किसी कारणवश ऐसा सम्भव न हो तो बैठक के बाद उसी दिन कार्यवाही पुस्तिका में लिखेगा और आगामी बैठक में पिछली कार्यवाही के पुष्टीकरण के पश्चात हस्ताक्षर करवायेगा।</p>	<p>(ख) अध्यक्ष या उनकी अनु-पस्थिति में उपाध्यक्ष कार्यवाही का संचालन करेंगे। सदस्यों के अतिरिक्त सभापति किसी अन्य जन-सभावारण को भाग लेने की स्वीकृति दे सकता है। यदि वह विचार विमर्श में भाग ले या कोई गड़बड़ करे तो उसे सभापति बैठक से बाहर निकल जाने को कह सकता है। किसी संविदा में वाद-विवाद की सूरत में सभापति भत देने का अधिकार रखने वाले सदस्यों को हाथ उठा कर प्राथमिकता के आधार पर सभापति निर्णय देगा। यदि बराबर की प्राथमिकता हो तो सभापति अपने अतिरिक्त निर्णयिक भत के प्रयोग का अधिकारी होगा।</p>
<p>धारा 102 (4) कार्यवाही की प्रतिलिपियों पर ही सामान्य मुद्रा का प्रयोग हो सकेगा और यह कार्यकारी अधिकारी की सुरक्षा में रहेगी।</p>	<p>धारा 102 (5) इस अधिनियम के अन्तर्गत कार्यकारी अधिकारी अपने हस्ताक्षरों से प्राप्तियों की रसीदें पंचायत समिति की ओर से जारी करेगा। वह आगे अपने मुख्य लिपिक, लेखापाल या टैक्स कुलैक्टर को उनके स्थान पर ऐसा करने का अधिकार दे सकेगा।</p>
<p>धारा 102 (6) जन-साधारण समिति के रजिस्टर, दस्तावेज़, प्रस्ताव दो रूपये आगामी फीस देकर निरीक्षण कर सकेगा और नक्शे तथा योजना के निरीक्षण के लिए पांच (5) रूपये आगामी फीस जमा करवानी होंगी। इस निरीक्षण की अनुमति अध्यक्ष समिति से लेनी होगी। प्रतिलिपि दो रूपये प्रति सफा या उसका आंशिक भाग फीस देकर प्राप्त की जा सकती है।</p>	<p>(ग) अध्यक्ष/कार्यकारी अधिकारी 2 रूपये आगामी फीस प्राप्त करके प्रत्येक भत अधिकारी समिति सदस्य को और 5 रूपये आगामी फीस लेकर गैर सदस्य को कार्यवाही पुस्तिका के निरीक्षण की अनुमति दे सकेगा। प्रतिलिपि दो रूपये प्रति सफा या आंशिक भाग</p>
<p>धारा 102 (7) पंचायत समिति की बैठक में पूरक संस्था धारा 84 के अनुसार होगी।</p>	

के हिसाब से मत अधिकारी सदस्य तथा गैर सदस्य को दे सकेगा।

धारा 102 (9)

धारा 128 के अन्तर्गत शुल्क, पथ-कर एकत्रित करने का अधिकार कार्यकारी अधिकारी को होगा जो इस काम को ठेके पर भी दे सकेगा। यह ठेका 5 प्रतिशत पर होगा। मेले के प्रबन्ध का अधिकार भी कार्यकारी अधिकारी को होगा परन्तु कार्य करने ऐसा कोई के पश्चात् पंचायत समिति की आणामी शीघ्र होने वाली बैठक में कार्यकारी अधिकारी इसे प्रस्तुत करेगा। धारा 129 के अन्तर्गत कार्यवाही करने का अधिकार भी कार्यकारी अधिकारी को होगा।

धारा 102 (10)

विकास खण्ड की सीमा में जो मेले लगते हैं या कृषि-उद्योग प्रदर्शनियां लगाई जाती हैं उनका प्रबन्ध विकास खण्ड अधिकारी की ओर से किया जा सकता है। दुकानदारों पर कर भी लगाये जा सकते हैं जी समय-समय पर निर्धारित किये जायेंगे। मेले के स्थान की स्वच्छता/सफाई, पानी सप्लाई, टट्टियों आदि के प्रावधान का उत्तरदायित्व समिति पर होगा। यदि वह ऐसे उक्त मेलों में दुकानदारों पर कर लगाए।

धारा 102 (12)

इस अधिनियम के अधीन लगाए गए स्थानीय करों, उपकरों तथा शुल्कों का शेष तथा धारा 128 के अधीन ठेकेदारों को सौंपे गए शुल्कों तथा पथ-करों की प्राप्ति का बकाया मालगुचारी के बकाया के रूप में प्राप्त किया जा सकेगा। धारा 129 तथा

भाग राशियों की प्राप्ति धारा 109 के अधीन प्राप्त की जा सकेगी।

धारा 102 (13)

पंचायत समिति निम्न कार्यों पर सरकार की स्वीकृति से फीस लगा सकती है जो उसके सामने लिखी गई है तथा लाईसेन्स दे सकती है:—

1. करायाना, हलवाई तथा खाने पीने की चीजों की दुकानों पर—
(क) परचून—20 रु 00 वार्षिक।
(ख) थोक—30 रु 00 वार्षिक।
2. भीट (मांस) की दुकान पर—30 रु 00 वार्षिक।
3. प्रति टांगा तथा ठेला—7 रु 00 वार्षिक।
4. कोर्चिंग लाईसेन्स टांगा—5 रु 00 वार्षिक क।
5. साइकल पर—4 रु 00 वार्षिक।
6. पेशा कर—धारा 130 के अन्तर्गत हिमाचल प्रदेश सरकार को पेशा कर लगाने की स्वीकृति देने के लिये लिखा जायेगा।

उक्त कर की क्षमा के लिए पंचायत समिति को अपील करनी होगी।

धारा 102 (14) धारा 98 में वर्णित कर्तव्य के पालन के लिये देख-भालक, प्रबन्ध आदि कार्यकारी अधिकारी करेगा।

धारा 102 (15)

धारा 105 से 108 तक के अधीन कार्यवाही कार्यकारी अधिकारी करेगा।

धारा 102 (16)

(क) पशुओं की मण्डी में प्रबन्ध पंचायत समिति करेगी और वहां की सफाई आदि का प्रबन्ध भी करेगी और प्रत्येक पशु की बिक्री पर निम्न कर लगायेगी:—

1. प्रत्येक पशु पर एक रुपया दाखला फीस होगी।
2. बैल 5 प्रतिशत।
3. भैंस 5 प्रतिशत।
4. भेड़ 5 प्रतिशत।

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5. बकरी आदि पशुओं पर यह कर पशु बेचने वाले से 5 प्रतिशत की दर से प्राप्त किया जायेगा । कीमत छुपाने वाले को इसका 11 गुण देना पड़ेगा ।

(ख) प्रबन्ध के लिये कार्यकारी अधिकारी आवश्यक नियुक्तियां करेगा ।

धारा 102 (17) बिना लाईसेंस के कोई भी दुकानदार साधारण तथा मेलों में खाद्य तथा पेय वस्तुओं की विक्री नहीं कर सकेगा । प्रत्येक दुकानदार पर उसकी दुकान के आधार पर एक से पांच रुपये तक मेला फीस लगाई जा सकेगी । यदि बिना लाईसेंस और फीस बिक्री करेगा तो उसे 100 रुपये दण्ड देना होगा और न देने की सूत में कार्यकारी अधिकारी मैजिस्ट्रेट प्रथम श्रेणी की अदालत में मुकदमा चलायेगा ।

धारा 102 (18) फीस प्राप्त कर कार्यकारी अधिकारी टांगे, ठेलों को चलाने के लिये लाईसेंस देगा । उनके अड्डा के लिये पंचायत समिति प्रबन्ध करेगी । ऐसे टांगे, ठेले वालों को लाईसेंस दिया जायेगा जिनके टांगे ठीक हालत में होंगे और घोड़ों के स्वास्थ्य के बारे पशु चिकित्सक ठीक रिपोर्ट करेगा ।

धारा 102 (19) खतरनाक भवनों का जो पंचायत समिति के क्षेत्र में हों को हटाने या मुरम्मत करने का प्रबन्ध पंचायत समिति द्वारा निजि निधि में से किया जायेगा । समिति के ऐसे किसी प्रस्तावानुसार कार्यकारी अधिकारी कार्यवाही करेगा । यदि किसी स्थान या सम्पत्ति पर नाजायज अधिकार किसी ने किया हो तो समिति इस के बारे में अपने क्षेत्र के मैजिस्ट्रेट प्रथम श्रेणी को रिपोर्ट करेगी और यदि आवश्यक हुआ तो

धारा 102 (20)

धारा 102 (21)

धारा 102 (22)

धारा 102 (23)

धारा 102 (24)

धारा 102 (25)

कार्यकारी अधिकारी समिति के पूर्व निर्णय से मुकदमा चलायेगा । [धारा 98(7)(5)]

पंचायत अपने क्षेत्र में चरागाह का प्रबन्ध करेगी ।

पशुओं, भेड़ों और बकरियों की नसल सुधारने के लिये और इन में बीमास्तियों की रोक-थाम के लिये अपने क्षेत्र में पशु चिकित्सालय की सहायता से प्रबन्ध करेगी । यदि इस कार्य के लिये उन्नत पशु, भेड़, बकरी खरीदने तथा बीमास्तियों की रोक-थाम के लिये दवाइयों की आवश्यकता पड़े तो समिति अपनी निजि निधि से व्यय कर सकेगी ।

जलाशयों की सफाई तथा साधारण, नवीकरण तथा निर्माण के लिये पंचायत समिति अपने निजि निधि से पंचायतों की सहायता एवं तकनीकी सहायता का प्रबन्ध करेगी ।

श्मशान घाट, कब्रिगाहों के प्रबन्ध में समिति निजि निधि एवं तकनीकी सहायता से पंचायतों की सहायता कर सकेगी ।

यदि गाड़ी (टांगा, ठेला आदि) का अड्डा समिति बनाए तो वहां ठहरने के लिये समिति इस पैसे प्रति गाड़ी प्रति फेरा फीस प्राप्त कर सकेगी जिसके लिये कर्मचारी नियुक्त करेगी या इसे ठेका पर दे देगी ।

मच्छरों को नष्ट करने एवं मलेरिया की रोक-थाम के लिये समिति डाक्टरों की सहायता ले सकेगी । दवाइयों आदि की आवश्यकता अपनी निजि निधि से पूरी कर सकेगी ।

1	2	3	1	2	3
धारा 102 (26)	चूहे, टिड्डियों, अन्य कीटाणुओं, तोतों को मारने का प्रबन्ध पंचायत समिति अपने स्रोतों द्वारा करेगी और पागल कुत्तों को मरवाने का प्रबन्ध भी वह पशु चिकित्सक की सहायता से करेगी। दबाई आदि की आवश्यकता पड़ने पर इसका प्रबन्ध भी करेगी तथा मरे कुत्तों को दबाने का प्रबन्ध सम्बन्धित पंचायत करेगी।	धारा 102 (30)	को नीलाम करके रूपया समिति फण्ड में जमा करेगी। आर्थिक स्थिति को व्यान में रखते हुए वह गो—सदन खोलने पर भी विचार कर सकेगी। पंचायत समिति अथवा उसके अधीन बनाई गई सहायक समिति सार्वजनिक स्थानों जैसे मैदान, जोहड़, सराय आदि, बेकरी, ढाबा, तन्दूर, धूम्रपाहित चूल्हे, सौदावाटर की फैक्टरी, वर्फ की फैक्टरी, आदि की चक्की, अनाज के गोदाम, वधशालाएं, धोबीघाट, मण्डी, स्टालों का जो समिति के क्षेत्र में स्थित हों निरीक्षण करना और सुधार के लिये कह सकेगी। मालिक के सुधारन करने की सूरत संविदा सम्बन्धित उच्चाधिकारी को सूचनार्थ एवं आवश्यक कार्यवाही हेतु भेज सकेगी।		
धारा 102 (27)	पंचायत समिति अपने क्षेत्र की पंचायतों को आवश्यकता पड़ने पर लोगों के घरों में रोशनदान लगाने और सुधार करने के लिये जिससे क्षय रोग की रोकथाम हो सके, कहेगी तथा निरीक्षण भी कर सकेगी।	धारा 102 (31)	पंचायत समिति अस्तबल, गोशाला, भेड़ बकरियों और सूरों के लिए गृह के बारे में धारा 102 (30) के समक्ष लिखी कार्यवाही कर सकेगी।		
धारा 102 (28)	शारीरिक संवर्धन को प्रोत्साहन देने के लिये समिति खेल के मैदानों का प्रावधान स्वयं या पंचायतों से करवायेगी और खेल कूद की प्रतियोगितायें भी करवायेगी। नवयुवक मण्डलों को पंचायतों की आर्थिक स्थिति को देखते हुए पंचायतों द्वारा वित्तीय सहायता भी देगी।	धारा 102 (32)	पंचायत समिति आवासीय भवनों का भी निरीक्षण कर सकेगी, निर्धारित व्यक्तियों, जो छूत रोगों से पीड़ित हों, की सहायता अपने स्रोतों से कर सकेगी।		
धारा 102 (29)	लावारिस पशुओं को, यदि ऐसे उपलब्ध हों, पंचायत समिति स्वयं जब्त कर सकेगी या सम्बन्धित पंचायत को ऐसा करने के लिए कहेगी। यदि एक सप्ताह के भीतर कोई मालिक मांग न करे तो इस	धारा 103	इन उप-विधियों का उलंघन करने वाले के विरुद्ध पंचायत समिति धारा 103 के अधीन कार्यवाही करेगी।		

भाग 5—वैयक्तिक अधिसूचनाएं और विज्ञापन

In the Court of District Judge Simla, Bilaspur, Kinnaur districts at Simla

G. W. A. 6-S/2 OF 77

Smt. Krishna Banga wd/o 2 Miss Nilu Banga d/o Shri O. P. Banga, resident of Elysium Lodge, Simla-1.

Versus

The General Public.

To

The General Public.

Whereas in the above noted case the applicant has filed an application u/s 8 of Hindu Minority and Guardianship

Act, 1956 for the grant of permission relating to the disposal of immovable property of Bhavnesha Banga (Minor) s/o O. P. Banga, resident of Elysium Lodge, Simla-1.

If any well-wisher and the kinsman has got any objection for the grant of the permission, may file in this court on or before 6-6-77. Afterwards no objection will be entertained.

Given under my hand and seal of the court this 29th April, 1977.

Seal.

N. S. SHANDIL,
District Judge.

In the Court of Shri O. P. Sharma, Senior Sub-Judge,
Kangra at Dharamsala

CIVIL SUIT No. 387/72

Jaishi Ram

.. Plaintiff.

Vs.

Munshi Ram and others

.. Defendants.

Versus

1. Shrimati Kamla Devi wd/o Amar Singh, 2. Shrimati Joki d/o Amar Singh s/o Nika Ram, 3. Shrimati Vidya, 4. Shrimati Satto daughters of Munshi Ram s/o Nandu, legal representatives of Shri Amar Singh and Munshi Ram deceased (defendants) residents of Bhouran, Mauza Gandhwar, Tehsil Dehra, District Kangra, caste Ghirth, L. Rs/defendants.

Whereas the plaintiffs have filed a suit for possession against the above named legal representatives/defendants. In this behalf, summons/notices were issued against the above said persons for several times but their service could not be effected. Now, it has been proved to the satisfaction of this court that they can not be served in an ordinary way. Hence, this proclamation under Order 5, Rule 20 C.P.C. is issued against them that they should attend this court on 29-6-1977 at 10 A.M. personally or through an authorised agent or pleader, failing which *ex parte* proceedings shall be taken against them.

Given under my hand and the seal of the court on this 2nd day of May, 1977.

Seal.

O. P. SHARMA,
Senior Sub-Judge,

ब अदालत Senior Sub-Judge Kangra Camp at Kangra

C. S. No. 74/76

कृष्ण ट्रेडिंग

versus

रत्न चन्द।

बनामः—(1) रत्न चन्द s/o लाभा राम, जात कबीर पंथी, सकना जसहि, तहसील कांगड़ा।

(2) लद्द दत्त पुत्र अनन्त राम, जात ब्राह्मण, r/o चवार, तहसील व जिला ऊना।

उपरोक्त दावा में मुदालियम को अनेक बार समन जारी किये गये परन्तु साधारण तरीके से उनकी तामिल न हो सकी। अतः अब अदालत को पूरा विश्वास हो चुका है कि मुदालियम की तामिल साधारण तरीके से होना सम्भव नहीं है। उन्हें बजरीया ईश्तहार अखबार सूचित किया जाता है कि विशेष पैरवी दावा मिति 24-5-77 हाजिर अदालत आवे वरना एकतरफा कार्रवाई अमल में लाई जावेगी।

मोहर।

Sd/-
Senior Sub-Judge,
Camp at Kangra.

In the Court of Shri Rameshwar Sharma Sub-Judge 1st Class, Nurpur, District Kangra, Himachal Pradesh

CIVIL SUIT No. 239/75

Shri Dhanna etc.

.. Plaintiffs.

Versus

Hans Raj etc.

.. Defendants.

3. Harbans Lal s/o Shri Jaishi, Ram r/o Fatehpur, Tehsil Nurpur, District Kangra (H. P.).

Whereas in the above noted case, it has been proved to the entire satisfaction of this court that the above named defendant cannot be served in the normal course of service as the summons issued several times have came back unserved. Now this proclamation is hereby issued in the name of the above named defendant that he should appear in this court on 7-6-1977 personally or through an authorised agent or pleader, failing which an *ex parte* proceedings shall be taken against him.

Given under my hand and seal of this court on this 27th day of April, 1977.

Seal.

RAMESHWAR SHARMA,
Sub-Judge 1st Class,
Nurpur, District Kangra.

Before R. L. Sharma, Sub Registrar, Barsar, District Hamirpur, Himachal Pradesh

CASE NO. 1 OF 1977

Subject.—Registration of Will dated 6-2-1977 executed by Shri Kanshi Ram s/o Jai Singh aged 70 years, resident of village Rapper, Tappa Garli, Tehsil Barsar, District Hamirpur in favour of Shri Baldev Singh s/o Kanshi Ram, resident of the same village.

To

All persons concerned to whom it may be concern.

Sh. Baldev Singh s/o Kanshi Ram, resident of village Rapper Tappa Garli, Tehsil Barsar, Distt. Hamirpur, has presented a Will before me on 24-3-77, executed by Shri Kanshi Ram s/o Jai Singh village Rapper Tappa Garli, Tehsil Barsar after the death of the executant for registration of the same u/s 40—41 of Indian Registration Act, 1908.

Therefore, notice is hereby given to all concerned who have any objection in the registration of the said Will to present personally or through their authorised agents in this office on 30-5-1977 at 10.00 A.M. for filling their objections, if any, no objection will be considered after the expiry of the fixed date i.e. 29-4-77 and the registration will be done under the law.

Given under my hand and seal of this court on the 24th day of March, 1977.

Seal.

R. L. SHARMA,
Sub-Registrar.

इश्तहार

ब अदालत जनाव श्री जी० सी० सिंगा A.C. 1st Grade,
Solan

विषय:—मिसल तकसीम खेवट खतौनी नं० 15/22 और 15/23
खसरानं० 107, 108, 110, 112, 113, 277/148,
184, 197, 198, 216, 218, 234, 252, 259, मिन
270, 298/71, 299/71, 154, 156, 295/145,
302/187, 304/189, 291/117, 292/140,
293/140, 147, 203 व 166 किता 29 रकबा 44
बीधा, 19 विस्वा वाक्या मौजा शशल, परगना बोहचाली।

श्री लक्ष्मी दत्त, जय नन्द, वेली राम s/o राम किशन, श्रीमती
विद्या, भीमा, श्रीमती सेती d/o श्री राम किशन, श्रीमती शिव देवा,
बेवा श्री राम किशन, वासी शशल, परगना बोहचाली, तहसील व ज़िला
सोलन।

बनाम

गणेश दत्त s/o जानकी राम, लीला, कमला d/o हरीराम, वाली
बेवा हरी राम, तारा दत्त s/o शिव सरन, श्रीमती नरायणी, इन्द्रवती
श्रीमती सावीत्री d/o श्री शिव सरन, श्रीमती मुनी बेवा शिव सरन
वासी शशल, परगना बोहचाली तहसील व ज़िला सोलन . . फरीक दोयम।

उपरोक्त मुकदमा में फरीक दोयम की तामील आसानी तरीके से
नहीं हो रही है। तामील कुनींदा से जाहिर होता है कि फरीक दोयम
तामील करने से गुरेज कर रहे हैं।

अतः हुक्म हुआ कि बजरीया इश्तहार जेर दफा 5, रुल 20 C.P.C.
इतला दी जाती है कि मिति 20-5-77 को असालतन व वकालतन
हाजिर हो कर मुकदमा की पैरवी करे। हाजिर न आने पर एक
तरफा कारंवाई अमल में लाई जावेगी।

आज मिति 26-4-77 को दस्तखत हमारे व मोहर अदालत से जारी
हुआ।

जी० सी० सिंगा,
A.C. 1st Grade,
Solan.

इश्तहार

ब अदालत श्री जी० सी० सिंगा A.C. 1st Grade Solon

विषय:—दरखास्त तकसीम खेवट खतौनी नं० 29/140, 29/41,
29/402 खसरा नं० 189, 351/191 मिन, 182, 333
269, 371/344, 277/2, 287, 294, 208, 211, 230,
228, 235, 238, 361/342, 284, 375/104, 379/
105, 236, 514/370/344, 512/365/339, 500/
190, 501/190, 360/357/192/1, 194, 196, 391/
317/2, 195, 270, 271 किता 31 रकबा 47 बीधा 11
विस्वा वाक्या मौजा चमत बडेच परगना बोहचाली तहसील
ज़िला सोलन।

बनाम:—सर्वश्री लक्ष्मी दत्त, जय नन्द, वेली राम s/o राम किशन,
श्रीमती विद्या, श्रीमती भीमा, श्रीमती सेती d/o राम किशन,
श्रीमती शिव देवा वेवा श्री राम किशन, वासी शशल परगना
बोहचाली, तहसील व ज़िला सोलन।

बनाम

श्री गणेश दत्त s/o जानकी राम, श्रीमती लीला, श्रीमती कमला d/o
श्री हरि राम श्रीमती वाली बेवा श्री हरि राम, तारा दत्त s/o शिव सरन
श्रीमती नरायणी, श्रीमती इन्द्रवती, श्रीमती सावीत्री d/o शिव सरन
श्रीमती मुनी बेवा श्री शिव सरन वासी शशल परगना बोहचाली
तहसील व ज़िला सोलन।

... फरीक दोयम

उपरोक्त मुकदमा में फरीक दोयम की तामील आसानी तरीके से
नहीं हो रही है अतः बजरीय इश्तहार जेर दफा 5 रुल 20 C.P.C.
इतला दी जाती है कि मिति 20-5-77 को असालतन व वकालतन
हाजिर हो कर मुकदमा की पैरवी करें। हाजिर न आने पर एक तरफा
कारंवाई अमल में लाई जावेगी।

जी० सी० सिंगा,

A.C. 1st Grade, Solan.

इश्तहार

ब अदालत श्री जी० सी० सिंगा A.C. II Grade, Solan

विषय:—मिसल दस्ती गरदावरी।

बनाम:—सत्य प्रकाश कौशल, s/o हरिश चन्द्र, श्रीमती विनोद
कौशल w/o सत्य प्रकाश कौशल बजरीया मनोरमा कौशल General
Power of Attorney

बनाम

श्री माठू s/o श्री गुरसु वासी दधोग, तहसील व ज़िला सोलन
फरीक दोयम।

दरखास्त खसरा गरदावरी खेवट खतौनी नं० 8 मिन रकबा
4 बीधा, वासी सलाहकना, तहसील व ज़िला सोलन।

उपरोक्त मुकदमा में फरीक दोयम की तामील नहीं हो रही है अतः
बजरीय इश्तहार जेर दफा 5 रुल 20, C.P.C. के जरीया इतला दी
जाती है कि मिति 24-5-77 को असालतन व वकालतन हाजिर हो
कर मुकदमा की पैरवी करे। हाजिर न आने पर एकतरफा
कारंवाई अमल में लाई जावेगी।

आज दस्तखत हमारे व मोहर अदालत से जारी हुआ।

मोहर।

जी० सी० सिंगा,

A.C. IIInd Grade, Solan.

इश्तहार

ब अदालत श्री जी० सी० सिंगा A.C. IIInd Grade, Solan

विषय:—मिसल दस्त गरदावरी।

बनाम

दरोपती बेवा श्री हरि राम वासी 'भुगरु' परगना भरोली खुदं,
तहसील व ज़िला सोलन।

बनाम

सर्व श्री शतीष कुमार, मदन लाल s/o महेश राम, सुरेंद्र कुमार, अनिल कुमार Minor s/o श्री महेश राम वजरीया गारडीयन श्री महेश राम s/o श्री धनी राम वासी मुग्ह, मनोहर लाल s/o श्री धनी राम, r/o देयोन घाट (Deon Ghat) तहसील व जिला सोलन, दुर्गा s/o श्रीमती दीलतु, श्रीमती दरोपती d/o श्रीमती दौलतु वासी भुग्ह, श्री वस्ती राम s/o श्रीमती दीकी वासी सोलन श्रीमती कृष्णा d/o दीकी वासी शिमला c/o श्री केमवा राम D.S.P. State C.I.D. Office, Simla, श्रीमती शान्ती d/o वीर सिंह वासी भुग्ह तहसील व जिला सोलन ।

(फरीक दोयम) ।

दरख्षावास्त दरख्स्ती गरदावरी खसरा नं 0 15/33/51/19 मिन, 13, 14, 44 मिन हिसादारी किता 6 रक्बा 23 बीघा 13 बिस्वा वाक्या मौजा भुग्ह परगना भरोली खुर्द तहसील व जिला सोलन ।

उपरोक्त मुकदमा में फरीक दोयम को कई बार समन जारी किये गये भगर तामील नहीं होनी पाई गई । रिपोर्ट तामील कुनीन्दा से पाया गया कि वह तामील करने से गरेज कर रहे हैं । अतः बजरीया ईश्तहार जेर दफा 5, रुल 20, C. P. C. के जरीया इतला दी जाती है कि मिति 24-5-77 को असालतन व बकालतन हाजर होकर मुकदमा की पैरवी करे । हाजर न आने पर एक तरफा कारंवाई अमल में लाई जावेगी ।

अज मिति 26-4-77 को दस्तखत हमारे व मोहर अदालत से जारी हुआ ।

मोहर ।

जी० सी० सिंगा,
ऐसिस्टेंट कुलैक्टर, फस्ट ग्रेड, सोलन ।

इश्तहार

ब अदालत श्री जी० सी० सिंगा A. C. 1st Grade, Solan

विषय:—मिसल तकसीम खेवट खतौनी नं 0 1/1 खसरा नं 0 166, 2, 448, 472, 438/473, 746/473, 541, 558, 605, 595, 618, 633, 631, 635, 639, 700/657, 659, 665, 756/259 775/111, 695/103 व 182 किता 22 रक्बा 95-15 बिस्वा, खेवट खतौनी नं 0 1/2 खसरा नं 0 183, 185, 307, 197, 286, 201, 240, 290, 291/2, 292, 321, 400, 170, 362 किता 15 रक्बा 29 बीघा 16 बिस्वा व खेवट खतौनी नं 0 1/3 खसरा नं 0 326 रक्बा 1-5 बिस्वा, खेवट खतौनी नं 0 1/4 खसरा नं 0 298, 496, 5/3, 434, 438, 488, 491, 407, 512 किता 10 रक्बा 26-16 बिस्वा व खेवट खतौनी 1/5 और 1/6 खसरा नं 0 208, 245, 731/653, 655, 716/650 किता 5 रक्बा 8 बीघा 18 बिस्वा व खेवट खतौनी नं 0 1/7 खसरा नं 0 24, 42, 89, 95, 11, 116, 37, 130, 152, 168, 84, 120, 101, 113 किता 14 रक्बा तादादी 40 बीघा 17 बिस्वा कुल किता 67 रक्बा 203 बीघा 7 बिस्वा वाक्या मौजा कैलडी, तहसील व जिला सोलन ।

वीर सिंह s/o सुरत राम, वासी चाकली, तहसील व जिला सोलन ।

बनाम

थी खजान सिंह s/o श्री दुर्गा दत श्रीमती दुर्गा देवी वेवा श्री दुर्गा दत शिव सिंह s/o सुरत राम वासी कैलडी तहसील व जिला सोलन, जगदीश s/o नेक राम वासी कैलडी तहसील व जिला सोलन

फरीक दोयम ।

उपरोक्त मुकदमा में फरीक दोयम की तामील आसानी तरीके से नहीं हो रही है । रिपोर्ट तामील कुनीदा से जाहिर होता है कि फरीक दोयम तामील करने से गुरेज कर रहे हैं । अतः बजरीया ईश्तहार जेर दफा 5, रुल 20, C. P. C. इतला दी जाती है कि मिति 27-5-77 को असालतन व बकालतन हाजर होकर मुकदमा की पैरवी करे । हाजर न आने पर एक तरफा कारंवाई अमल में लाई जावेगी ।

अज मिति 26-4-77 को दस्तखत हमारे व मोहर अदालत से जारी हुआ ।

मोहर

जी० सी० सिंगा,
ऐसिस्टेंट कुलैक्टर, फस्ट ग्रेड, सोलन ।

ईश्तहार

ब अदालत श्री जी० सी० सिंगा A. C. 1st Grade Solan

विषय:—मिसल तकसीम खेवट खतौनी नं 0 2/2 खसरा नं 0 2, 6, 15, 16, 17, 18, 27, 42, 76, 80, 82, 95, 96, 99, 110, 111, 137/112, 113 किता 18 रक्बा 18 बीघा 3 बिस्वा खेवट खतौनी नं 0 2/3 खसरा नं 0 64, रक्बा 4, 12 बिस्वा, खेवट खतौनी नं 0 2/4 खसरा नं 0 54, 60 रक्बा 4, 12 बिस्वा किता 2, खेवट खतौनी नं 0 2/5 खसरा नं 0 20, 25 रक्बा 2, 14 किता 2, खेवट खतौनी नं 0 2/6 खसरा नं 0 32, 36 रक्बा 6-18 बिस्वा व खेवट खतौनी नं 0 2/7 खसरा नं 0 34 रक्बा 1-8 बिस्वा किता 26 रक्बा कुल 38 बीघा 7 बिस्वा वा व मौजा चाकली, परगना वोईचाला, तहसील व जिला सोलन

वीर सिंह s/o श्री सुरत राम, वासी चाकली तहसील व जिला सोलन ।

बनाम

थी खजान सिंह s/o दुर्गा दत, दुर्गी देवी वेवा दुर्गा दत, शिव सिंह s/o सुरत राम वासी कैलडी, तहसील व जिला सोलन

फरीक दोयम ।

उपरोक्त मुकदमा में फरीक दोयम तामील करने से गुरेज कर रहे हैं । अतः बजरीया ईश्तहार जेर दफा 5, रुल 20, C. P. C. इतला दी जाती है कि मिति 27-5-77 को असालतन व बकालतन हाजर होकर मुकदमा की पैरवी करे । हाजर न आने पर एक तरफा कारंवाई अमल में लाई जावेगी ।

अज मिति 26-4-77 को दस्तखत हमारे व मोहर अदालत से जारी हुआ ।

मोहर

जी० सी० सिंगा,
ऐसिस्टेंट कुलैक्टर, फस्ट ग्रेड, सोलन ।

OFFICE OF THE CONTROLLER OF EXAMINATIONS
H. P. UNIVERSITY, SUMMER HILL SIMLA

NOTIFICATION

Simla-171005, the 26th April, 1977

No. 5-19/76-Conduct (HPU).—Miss Damodri Devi Thakur
d/o Shri Sohan Singh, Registration Number 73-MA-482

has been allowed to change her name from Damodri Devi Thakur to Sunita Thakur. In future her name in the University record will be shown as Sunita Thakur not Damodri Devi Thakur.

DR. K. D. GUPTA,
Controller of Examinations,
Himachal Pradesh University,
Summer Hill, Simla-171005.

भाग 6—भारतीय राजपत्र इत्यादि में से पुनः प्रकाशन

LAW DEPARTMENT

NOTIFICATION

Simla-2, the 28th December, 1976

No. LLR-E(9)12/76.—The following Acts passed by Parliament which have already been published in the Gazette of India, Extraordinary, Part II, Section 1, are hereby republished in the Himachal Pradesh Government Rajpatra for the information of general public:—

1. The Burn Company and Indian Standard Wagon Company (Nationalisation) Act, 1976 (97 of 1976).
2. The Laxmirattan and Atherton West Cotton Mills (Taking Over of Management) Act, 1976 (98 of 1976).
3. The Salaries and Allowances of Members of Parliament (Amendment) Act, 1976 (105 of 1976).
4. The Untouchability (Offences) Amendment and Miscellaneous Provision Act, 1976 (106 of 1976).
5. The Constitution (Forty-first Amendment) Act, 1976.

M. C. PADAM,
Under Secretary. (Jud.).

Assented to on 5-9-1976

THE BURN COMPANY AND INDIAN STANDARD WAGON COMPANY (NATIONALISATION) ACT
1976

(ACT NO. 97 OF 1976)

AN

ACT

to provide for the acquisition of the undertakings of the Burn and Company Limited and the Indian Standard Wagon Company limited with a view to ensuring the continuity of the production of goods which are vital, to the needs of the economy of the country and for the fulfilment of the contracts for the supply of railway wagons abroad and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Twenty-seventh Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. *Short title and commencement.*—(1) This Act may be called the Burn Company and Indian Standard Wagon Company (Nationalisation) Act, 1976.

(2) The provisions of sections 27 and 28 shall come into force at once and the remaining provisions of this Act shall be deemed to have come into force on the 1st day of April, 1975.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

- (a) “appointed day” means the 1st day of April, 1975;
- (b) “Burn and Company Limited” includes its wholly owned subsidiary company, namely, Cobrun Properties Limited, having its registered office 10-C. Hangerford Street, Calcutta-17;
- (c) “Commissioner” means the Commissioner of Payments appointed under section 14;
- (d) “Custodian” means the Custodian appointed under sub-section (2) of section 9 to take over, or carry on, the management of the undertakings of either or both of the two companies;
- (e) “Ordinance” means the Burn Company and Indian Standard Wagon Company (Nationalisation) Ordinance, 1976 (8 of 1976);
- (f) “notification” means a notification published in the Official Gazette;
- (g) “prescribed” means prescribed by rules made under this Act;
- (h) “specified date” means such date as the Central Government may, by notification, specify for the purpose of any provision of this Act, and different dates may be specified for different provisions of this Act;
- (i) “two companies” means Burn and Company Limited and Indian Standard Wagon Company Limited, being companies as defined in the Companies Act, 1956 (1 of 1956) and both having their registered offices at, 10-C. Hunderford, Street, Calcutta-17;
- (j) words and expressions used herein and not defined but defined in the Companies Act, 1956 (1 of 1956), have the meanings, respectively, assigned to them in that Act.

CHAPTER II

ACQUISITION OF THE UNDERTAKINGS OF THE TWO COMPANIES

3. *Transfer and vesting in Central Government of the undertakings of the two companies.*—On the appointed day, the undertakings of each of the two companies, and the right, title and interest of each of the two companies in relation to such undertakings, shall stand transferred to, and shall vest absolutely in, the Central Government.

4. *General effect of vesting.*—(1) The undertakings of each of the two companies referred to in section 3 shall be deemed to include all assets, rights, lease-holds, powers, authorities and privileges and all property,

movable and immovable, including lands, buildings, workshops, stores, instruments, machinery and equipment, cash balances, cash on hand, reserve funds, investments and book debts and all other rights and interests in, or arising out of, such property as were immediately before the appointed day in the ownership, possession, power or control of either of the two companies, whether within or outside India, and all books of account, registers and all other documents of whatever nature relating thereto, and shall also be deemed to include the liabilities and obligations specified in sub-section (2) of section 5.

(2) All properties as aforesaid which have vested in the Central Government under section 3 shall, by force of such vesting, be freed and discharged from any trust, obligation, mortgage, charge, lien and all other incumbrances affecting it, and any attachment, injunction or decree or order of any court restricting the use of such properties in any manner or appointing any receiver in respect of the whole or any part of such property shall be deemed to have been withdrawn.

(3) Every mortgagee of any property which has vested under this Act in the Central Government and every person holding any charge, lien or other interest in, or in relation to, any such property shall give, within such time and in such manner as may be prescribed, an intimation to the Commissioner of such mortgage, charge, lien or other interest.

(4) For the removal of doubts, it is hereby declared that the mortgagee of any property referred to in sub-section (3) or any other person holding any charge, lien or other interest in, or in relation to, any such property shall be entitled to claim, in accordance with his rights and interests, payment of the mortgage money or other dues, in whole or in part, out of the amount specified, in relation to the company owning such property, in the First Schedule, but no such mortgage, charge, lien or other interest shall be enforceable against any property which has vested in the Central Government.

(5) If, on the appointed day, any suit, appeal or other proceeding of whatever nature in relation to any matter specified in sub-section (2) of section 5, in respect of any undertaking of either of the two companies, instituted or preferred by or against either of the two companies, is pending, the same shall not abate, be discontinued or be, in any way, prejudicially affected by reason of the transfer of the undertakings of either of the two companies or of anything contained in this Act, but the suit, appeal or other proceeding may be continued, prosecuted or enforced by or against the Central Government or, where the undertakings of the two companies are directed, under section 6, to vest in a Government company, against that Government company.

5. Owners of the two companies to be liable for certain prior liabilities.—(1) Every liability, other than the liability specified in sub-section (2), of each of the two companies in respect of any period prior to the appointed day, shall be the liability of the concerned company and shall be enforceable against it, and not against the Central Government, or, where the undertakings of the two companies are directed, under section 6, to vest in a Government company, against that Government company.

(2) Any liability arising in respect of—

(a) the loans advanced by the Central Government, or a State Government, or both, to either of the

two companies, or to both (together with interest due thereon) after the management of the undertakings of the concerned company had been taken over by the Central Government;

(b) the wages, salaries and other due of employees of each of the two companies in respect of any period after the management of the undertakings of the two companies had been taken over by the Central Government;

shall, on and from the appointed day, be the liability of the Central Government or of the Government company aforesaid and shall be discharged by that Government or Government company, as and when repayment of such loans or amounts becomes due or as and when such wages, salaries or other dues become due and payable.

(3) For the removal of doubts, it is hereby declared that,—

(a) save as otherwise expressly provided in this section or in any other provision of this Act, no liability, other than the liability specified in sub-section (2), of either of the two companies in relation to its undertakings in respect of any period prior to the appointed day, shall be enforceable against the Central Government, or, where the undertakings of the two companies are directed, under section 6, to vest in a Government company, against that Government company;

(b) no award, decree or order of any court, tribunal or other authority in relation to the undertakings of either of the two companies, passed after the appointed day, in respect of any matter, claim or dispute, not being a matter, claim or dispute in relation to any matter referred to in sub-section (2), which arose before that day, shall be enforceable against the Central Government or, where the undertakings of the two companies are directed, under section 6, to vest in a Government company, against that Government company;

(c) no liability incurred by either of the two companies before the appointed day, for the contravention, of any provision of law for the time being in force, shall be enforceable against the Central Government, or, where the undertakings of the two companies are directed, under section 6, to vest in a Government company, against that Government company.

6. Power of the Central Government to direct vesting of the undertakings of the two companies in a Government company.—(1) Notwithstanding anything contained in sections 3 and 4, the Central Government may, if it is satisfied that a Government company is willing to comply, or has complied, with such terms and conditions as that Government may think fit to impose, direct, by notification, that the undertakings of the two companies and the right, title and interest of the two companies in relation to their respective undertakings which have vested in that Government under section 3, and such of the liabilities of the two companies as are specified in sub-section (2) of section 5, shall, instead of continuing to vest in the Central Government, vest in the Government company either on the date of the notification or on such earlier or later date (not being a date earlier than the appointed day) as may be specified in the notification.

(2) Where the right, title and interest, and the liabilities referred to in sub-section (2) of section 5, of each of the two companies, in relation to its undertakings, vest in a Government company under sub-section (1), the Government company shall, on and from the date of such vesting,

be deemed to have become the owner in relation to such undertakings, and all the rights and liabilities of the Central Government in relation to such undertakings shall, on and from the date of such vesting, be deemed to have become the rights and liabilities, respectively, of the Government company.

CHAPTER III PAYMENT OF AMOUNTS

7. Payment of amount.—For the transfer to, and vesting in, the Central Government, under section 3, of the undertakings of each of the two companies and the right, title and interest of each of the two companies in relation to such undertakings, there shall be given by the Central Government to each of the two Companies, in cash and in the manner specified in Chapter VI, and amount equal to the amount specified against the name of such company in the First Schedule.

8. Payment of further amount.—(1) In consideration of the retrospective operation of the provisions of sections 3, 4 and 5, there shall also be given, in cash, by the Central Government to each of the two companies an amount equal to an amount, calculated at the rates specified in section 5 of the Burn Company and Indian Standard Wagon Company (Taking Over of Management) Act, 1973 (57 of 1973), for the period commencing on the appointed day and ending on the date of promulgation of the Ordinance.

(2) The amount specified in section 7, and the amount determined under sub-section (1), shall carry simple interest at the rate of four per cent per annum for the period commencing on the date of promulgation of the Ordinance and ending on the date on which payment of such amount is made by the Central Government to the Commissioner.

(3) The amounts determined in accordance with the provisions of sub-sections (1) and (2) shall be given to each of the companies in addition to the amount specified against its name in the First Schedule.

CHAPTER IV

MANAGEMENT, ETC. OF THE UNDERTAKINGS OF THE TWO COMPANIES

9. Management etc., of the undertakings of the two companies.—(1) The general superintendence, direction, control and management of the affairs and business of the undertakings of each of the two companies, the right, title and interest in relation to which have vested in the Central Government under section 3, shall,—

(a) where a direction has been made by the Central Government under sub-section (1) of section 6, vest the Government company specified, in such direction, or

(b) where no such direction has been made by the Central Government, vest in one or more Custodians appointed by the Central Government under sub-section (2),

and thereupon the Government company so specified or the Custodian so appointed, as the case may be, shall be entitled to exercise all such powers and do all such things as either, or both, of the companies is or are authorised to exercise and do in relation to its or their undertakings.

(2) The Central Government may appoint one or more individuals or a Government company as the Custodian

of the undertakings of either, or both, of the two companies in relation to which no direction has been made by it under sub-section (1) of section 6.

10. Duty of persons in charge of management of the undertakings of the two companies to deliver all assets, etc.—(1) On the vesting of the management of the undertakings of the two companies in a Government company or on the appointment of a Custodian, all persons in charge of the management of the undertakings of either of the two companies immediately before such vesting or appointment, shall be bound to deliver to the Government company or the Custodian, as the case may be, all assets, books of account, registers or other documents in their custody relating to the undertakings of such company.

(2) The Central Government may issue such directions as it may deem desirable in the circumstances of the case to the Government company or the Custodian as to its or his powers and duties and the Government company or Custodian may also, if it or he so desires, apply to the Central Government at any time for instructions as to the manner in which the management of the undertakings of the two companies shall be conducted by it or him or in relation to any other matter arising in the course of such management.

(3) The Custodian shall receive from the funds of the undertakings, in relation to which he is the Custodian, such remuneration as the Central Government may fix and shall hold office during the pleasure of the Central Government.

11. Accounts and audit.—The Custodian of the undertakings of either, or both, of the companies shall maintain an account of the undertakings of the concerned company or companies in such form and manner and under such conditions as may be prescribed and the provisions of the Companies Act, 1956 (1 of 1956), shall apply to the audit of the account so maintained as they apply to the audit of the accounts of a company.

CHAPTER V

PROVISIONS RELATING TO EMPLOYEES OF THE TWO COMPANIES

12. Employment of certain employees to continue.—(1) Every person who is a workman within the meaning of the Industrial Disputes Act, 1947, (13 of 1947) and has been, immediately before the appointed day, employed in any undertaking of either of the two companies shall become, on and from the appointed day, an employee of the Central Government or, as the case may be, of the Government company in which the right, title and interest of the two companies in relation to their undertakings have vested under this Act, and shall hold office or service under the Central Government or the Government company, as the case may be with the same rights and privileges as to pension, gratuity and other matters as would have been admissible to him if there had been no such vesting and shall continue to do so unless and until his employment under the Central Government or the Government company, as the case may be, is duly terminated or until his remuneration and other conditions of service are duly altered by the Central Government or the Government company, as the case may be.

(2) Every person who is not a workman within the meaning of the Industrial Disputes Act, 1947 (14 of 1947), and who has been, immediately before the appointed

day, employed in any undertaking of either of the two companies shall become, as from the appointed day, an employee of the Central Government or the Government company, and shall hold office or service therein by the same tenure, at the same remuneration and upon the same terms and conditions and with the same rights and privileges as to pension and gratuity and other matters as would have been admissible to him if the undertakings of the company in which he was employed had not been transferred to, and vested in, the Central Government or the Government company and shall continue to do so unless and until his employment in the Central Government or the Government company is duly terminated or until his remuneration, terms and conditions of employment are duly altered by the Central Government or the Government company, as the case may be.

(3) Notwithstanding anything contained in the Industrial Disputes Act, 1947 (14 of 1947), or in any other law for the time being in force, the transfer of the services of any officer or other person employed in any undertaking of either of the two companies, to the Central Government or the Government company shall not entitle such officer or other employee to any compensation under this Act or any other law for the time being in force and no such claim shall be entertained by any court, tribunal or other authority.

(4) Where, under the terms of any contract of service or otherwise, any person whose services become transferred to the Central Government or the Government company by reason of the provisions of this Act is entitled to any arrears of salary or wages or any payments for any leave not availed of or other payment, not being payment by way of gratuity or pension, such person may, except to the extent of such liability which has been taken over by the Central Government or the Government company under sub-section (2) of section 5, enforce his claim against the company by which he was employed immediately before such transfer, but not against the Central Government or the Government company.

13. *Provident and other funds.*—(1) Where either of the two companies have established a provident fund, superannuation, welfare or other fund for the benefit of the persons employed in any of its undertakings, the monies relatable to the officers or other employees, whose services have become transferred by or under this Act to the Central Government or the Government company shall, out of the monies standing, on the appointed day, to the credit of such provident fund, superannuation, welfare or other fund, stand transferred to, and vest in, the Central Government or the Government company, as the case may be.

(2) The monies which stand transferred under sub-section (1) to the Central Government or the Government company, as the case may be, shall be dealt with by that Government or Government company in such manner as may be prescribed.

CHAPTER VI

COMMISSIONER OF PAYMENTS

14. *Appointment of Commissioner of Payments.*—(1) The Central Government shall, for the purpose of disbursing the amounts payable under section 7, section 8, and sub-section (2) of section 15, to each of the two companies, by notification, appoint a Commissioner of Payments.

(2) The Central Government may appoint such other persons as it may think fit to assist the Commissioner and thereupon the Commissioner may authorise one or more of such persons also to exercise all or any of the powers exercisable by him under this Act and different persons may be authorised to exercise different powers.

(3) Any person authorised by the Commissioner to exercise any of the powers exercisable by the Commissioner may exercise those powers in the same manner and with the same effect as if they have been conferred on that person directly by this Act and not by way of authorisation.

(4) The salaries and allowances of the Commissioner and other persons appointed under this section shall be defrayed out of the Consolidated Fund of India.

15. *Payment by the Central Government to the Commissioner.*—(1) The Central Government shall, within thirty days from the specified date, pay in cash to the Commissioner, for payment to each of the two companies,—

- (a) an amount equal to the amount specified against the name of such company in the First Schedule; and
- (b) an amount equal to the amount payable to each of the two companies under section 8.

(2) In addition to the sums referred to in sub-section (1), there shall be paid by the Central Government to the Commissioner, in cash, such amount, payable under section 5 of the Burn Company and Indian Standard Wagon Company (Taking Over of Management) Act, 1973, (57 of 1973) to each of the two companies in relation to the period commencing on the date on which the management of the undertakings of each of the two companies was taken over by the Central Government and ending on the appointed day, as remains unpaid.

(3) A deposit account shall be opened by the Central Government in favour of the Commissioner, in the Public Account of India, and every amount paid under this Act to the Commissioner shall be deposited by him to the credit of the said deposit account and the said deposit account shall be operated by the Commissioner.

(4) Separate records shall be maintained by the Commissioner in respect of the undertakings of each of the two companies in relation to which payments have been made to him under this Act.

(5) Interest accruing on the amounts standing to the credit of the deposit account referred to in sub-section (3) shall accrue to the benefit of the two companies.

16. *Certain powers of the Central Government or Government company.*—(1) The Central Government or the Government company, as the case may be, shall be entitled to receive, up to the specified date, to the exclusion of all other persons, any money due to either of the two companies, in relation to the undertakings which have vested in the Central Government or the Government company, realised after the appointed day, notwithstanding that the realisation pertains to a period prior to the appointed day.

(2) The Central Government or the Government company, as the case may be, may make a claim to the Commissioner with regard to every payment made by that Government after the appointed day for discharging any liability of either of the two companies, not being

any liability specified in sub-section (2) of section 5, in relation to any period prior to the appointed day, and every such claim shall have priority, in accordance with the priorities attaching, under this Act, to the matter in relation to which such liability has been discharged by the Central Government or the Government company.

(3) Save as otherwise provided in this Act, the liabilities of either of the two companies in respect of any transaction prior to the appointed day which have not been discharged on or before the specified date shall be the liabilities of the respective company.

17. Claims to be made to the Commissioner.—Every person having a claim against either of the two companies shall prefer such claim before the Commissioner within thirty days from the specified date:

Provided that if the Commissioner is satisfied that the claimant was prevented by sufficient cause from preferring the claim within the said period of thirty days, he may entertain the claim within a further period of thirty days, but not thereafter.

18. Priority of claims.—The claims arising out of the matters specified in the Second Schedule shall have priorities in accordance with the following principles, namely:—

- (a) Category I shall have precedence over all other categories and Category II shall have precedence over Category III, and so on;
- (b) the claims specified in each of the categories, except Category IV, shall rank equally and be paid in full, but, if the amount is insufficient to meet such claims in full, they shall abate in equal proportions and be paid accordingly;
- (c) the liabilities specified in Category IV shall be discharged, subject to the priorities specified in this section, in accordance with the terms of the secured loans and the priority, *inter se*, of such loans; and
- (d) the question of discharging any liability with regard to a matter specified in a lower category shall arise only if a surplus is left after meeting all the liabilities specified in the immediately higher category.

19. Examination of claims.—(1) On receipt of the claims made under section 17, the Commissioner shall arrange the claims in the order of priorities specified in the Second Schedule and examine the same in accordance with such order of priorities.

(2) If, on examination of the claims, the Commissioner is of opinion that the amount paid to him under this Act is not sufficient to meet the liabilities specified in any lower category, he shall not be required to examine the claims in respect of such lower category.

20. Admission or rejection of claims.—(1) After examining the claims with reference to the priorities set out in the Second Schedule, the Commissioner shall fix a certain date on or before which every claimant shall file the proof of his claim or be excluded from the benefit of the disbursement made by the Commissioner.

(2) Not less than fourteen days' notice of the date so fixed shall be given by advertisement in one issue of the daily newspaper in the English language and one issue of such daily newspaper in the regional language as the Commissioner may consider suitable, and every such notice shall call upon the claimant to file the proof of his claim with the Commissioner within the time specified in the advertisement.

(3) Every claimant who fails to file the proof of his claim within the time specified by the Commissioner shall be excluded from the disbursements made by the Commissioner.

(4) The Commissioner shall, after such investigation as may, in his opinion, be necessary and after giving the concerned company an opportunity of refuting the claim and after giving the claimant a reasonable opportunity of being heard, in writing, admit or reject the claim in whole or in part.

(5) The Commissioner shall have the power to regulate his own procedure in all matters arising out of the discharge of his functions, including the place or places at which he will hold his sitting and shall, for the purpose of making any investigation under this Act, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (5 of 1908), while trying a suit, in respect of the following matters, namely:—

- (a) the summoning and enforcing the attendance of any witness and examining him on oath;
- (b) the discovery and production of any document or other material object producible as evidence;
- (c) the reception of evidence on affidavits;
- (d) the issuing of any commission for the examination of witnesses.

(6) Any investigation before the Commissioner shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code (45 of 1860) and the Commissioner shall be deemed to be a civil court for the purposes of section 345 and Chapter XXVI of the Code of Criminal Procedure, 1973 (2 of 1974).

(7) A claimant who is dissatisfied with the decision of Commissioner, may prefer an appeal against the decision to the principal civil court of original jurisdiction within the local limits of whose jurisdiction the registered office of the concerned company is situated:

Provided that where a person who is a Judge of a High Court is appointed to be a Commissioner, such appeal shall lie to the High Court at Calcutta and such appeal shall be heard and disposed of by not less than two Judges of that High Court.

21. Disbursement of money by Commissioner to claimants.—After admitting a claim under this Act, the amount due in respect of such claim shall be paid by the Commissioner to the person or persons to whom such sums are due and on such payment, the liability of each of the two companies in respect of such claim shall stand discharged.

22. Disbursements of amounts to the two companies.—(1) If, out of the monies paid to him in relation to the undertakings of either of the two companies, there is a balance left after meeting the liabilities as specified in the Second Schedule, the Commissioner shall disburse such balance to the concerned company.

(2) Where the possession of any machinery, equipment or other property, has vested in the Central Government or a Government company under this Act, but such machinery, equipment or other property does not belong to either of the two companies, it shall be lawful for the Central Government or the Government company to continue to possess such machinery or equipment or other property on the same terms and conditions under

which they are possessed by either of, or both, the companies immediately before the 1st day of April, 1975.

23. *Undisbursed or unclaimed amount to be deposited with the general revenue account.*—Any money paid to the Commissioner which remains undisbursed or unclaimed for a period of three years from the last day on which the disbursement was made, shall be transferred by the Commissioner to the general revenue account of the Central Government but a claim to any money so transferred may be preferred to the Central Government by the person entitled to such payment and shall be dealt with as if such transfer had not been made, the order, if any, for payment of the claim being treated as an order for the refund of revenue.

CHAPTER VII

MISCELLANEOUS

24. *Assumption of liability.*—Where any liability of either of the two companies arising out of any item specified in Category I of the Second Schedule is not discharged fully by the Commissioner out of the amounts paid to him under this Act, the Commissioner shall intimate in writing to the Central Government the extent of the liability which remains undischarged, and to that extent the liability shall be assumed by the Central Government.

(2) The Central Government may, by order, direct the Government company to take over any liability assumed by that Government under sub-section (1) and on receipt of such direction, it shall be the duty of the Government company to discharge such liability.

25. *Act to have overriding effect.*—The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law, other than this Act, or in any decree or order of any court, tribunal or other authority.

26. *Contracts to cease to have effect unless ratified by the Central Government or Government company.*—(1) Every contract entered into by either of the two companies in relation to any of its undertakings which have vested in the Central Government under section 3 for any service, sale or supply, and in force immediately before the appointed day, shall, on and from the expiry of one hundred and eighty days from the date of promulgation of the Ordinance, cease to have effect unless such contract is, before the expiry of that period, ratified, in writing, by the Central Government, or Government company, and in ratifying such contract the Central Government or Government company may make such alteration or modification therein as it may think fit:

Provided that the Central Government or Government company shall not omit to ratify a contract and shall not make any alteration or modification in a contract unless it is satisfied that such contract is unduly onerous or has been entered into in bad faith or is detrimental to the interests of the Central Government or the Government company.

(2) The Central Government or Government company shall not omit to ratify a contract, and, shall not make any alteration or modification therein, except after giving to the parties to the contract a reasonable opportunity of being heard and except after recording in writing its reasons for refusal to ratify the contract or for making any alteration or modification therein.

27. *Penalties.*—Any person who,—

- (a) having in his possession, custody or control any property forming part of any undertaking of either of the two companies, wrongfully withholds such property from the Central Government or Government company; or
- (b) wrongfully obtains possession of, or retains, any property forming part of any undertaking of either of the two companies, or wilfully withholds or fails to furnish to the Central Government or Government company or any person or body of persons specified by that Government or Government company, any document relating to such undertaking, which may be in his possession, custody or control, or fails to deliver to the Central Government or Government company or any person or body of persons specified by that Government or Government company, any assets, books of account, registers or other documents in his possession, custody or control relating to the undertakings of either of the two companies; or
- (c) wrongfully removes or destroys any property forming part of any undertaking of either of the two companies or prefers any claim which he knows or has reasonable cause to believe to be false or grossly inaccurate,

shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to ten thousand rupees, or with both.

28. *Offences by companies.*—(1) Where an offence under this Act has been committed by a company, every person who at the time when the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

- (a) “company” means any body corporate and includes a firm or other association of individuals; and
- (b) “director”, in relation to a firm, means a partner in the firm.

29. *Protection of action taken in good faith.*—(1) No suit, prosecution or other legal proceeding shall lie against the Central Government or any officer of that Government or the Custodian or the Government company or other person authorised by that Government or

Government company for anything which is in good faith done or intended to be done under this Act.

(2) No suit or other legal proceeding shall lie against the Central Government or any of its officers or other employees of the Government company or any officer or other person authorised by that company for any damage caused or likely to be caused by anything which is in good faith done or intended to be done under this Act.

30. Delegation of powers.—(1) The Central Government may, by notification, direct that all or any of the powers exercisable by it under this Act, other than the power conferred by section 31, may also be exercised by such person or persons as may be specified in the notification.

(2) Whenever any delegation of power is made under sub-section (1), the person to whom such power has been delegated shall act under the direction, control and supervision of the Central Government.

31. Power to make rules.—(1) The Central Government may, by notification, make rules for carrying out the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:—

- (a) the time within which, and the manner in which, an intimation referred to in sub-section (3) of section 4 shall be given;
- (b) the form and the manner in which and the conditions under which the Custodian shall maintain the accounts as required by section 11;
- (c) the manner in which the monies in any provident fund or other fund, referred to in section 13, shall be dealt with;
- (d) any other matter which is required to be, or may be, prescribed.

(3) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

32. Power to remove difficulties.—If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, not inconsistent with the provisions of this Act, remove the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the date on which this Act receives the assent of the President.

33. Declaration as to the policy of the State.—It is hereby declared that this Act is for giving effect to the policy of the State towards securing the principles specified in clause (b) of article 39 of the Constitution.

Explanation.—In this section, "State" has the same meaning as in article 12 of the Constitution.

34. Repeal and saving.—(1) The Burn Company and Indian Standard Wagon Company (Taking Over of Management) Act, 1973 (57 of 1973), and the Burn Company and Indian Standard Wagon Company (Nationalisation) Ordinance, 1976 (8 of 1976), are hereby repealed.

(2) Notwithstanding such repeal,—

- (a) anything done or any action taken by the Custodian in exercise of the powers of the Board of Management of the two companies at any time within the period during which the management of the undertakings of the two companies remained vested in the Central Government or at any time before the date on which this Act receives the assent of the President, shall be deemed to have been done or taken in accordance with law;
- (b) anything done or any action taken under the Ordinance so repealed shall be deemed to have been done or taken under the corresponding provisions of this Act.

THE FIRST SCHEDULE

[See sections 7, 8 and 15 (2)]

Sl. No.	Name of the company	Amount (Rupees in lakhs)
1.	Burn and Company Limited	1,388.00
2.	Indian Standard Wagon Company Limited	1,135.00

THE SECOND SCHEDULE

(See sections 18, 19, 20 and 24)

ORDER OF PRIORITIES FOR THE DISCHARGE OF LIABILITIES OF THE TWO COMPANIES

PART "A"

Post-take-over management period

Category I—

- (a) Loans advanced by banks.
- (b) Loans advanced by the Industrial Reconstruction Corporation of India.
- (c) Credit availed of for purposes of trade or manufacturing operations.

Category II—

- (a) Revenue, taxes, cesses, rates or other dues of Central Government or a State Government.
- (b) Sales tax; rates and taxes; contributions to be made to the Employees' State Insurance Fund, and Additional Dearness Allowance payable to employees.

PART "B"

Pre-take-over management period

Category III—

Arrears in relation to provident fund, salaries and wages and other amounts due to employee.

Category IV—

Secured loans.

Category V—

Revenue, taxes, cesses, rates or any other dues to the Central Government, a State Government, a local authority or a State Electricity Board.

Category VI—

- (a) Any credit availed of for purpose of trade or manufacturing operations.
- (b) Any other dues.

Assented to on 5-9-1976

THE LAXMIRATTAN AND ATHERTON WEST COTTON MILLS (TAKING OVER OF MANAGEMENT) ACT, 1976

(ACT NO. 98 OF 1976)

AN
ACT

to provide for the taking over, in the public interest, of the management of the undertakings of certain companies, pending nationalisation of such undertakings, with a view to ensuring the supply of certain varieties of cloth needed by the weaker sections of the community as also by the Defence Department and for matters connected therewith or incidental thereto.

WHEREAS Laxmirattan Cotton Mills Company Limited were engaged in the production (besides coarse and medium varieties of cloth needed by the weaker sections of the community) of canvas and dosuti which is needed by the Defence Department:

AND WHEREAS the closure of the Laxmirattan Cotton Mills Company Limited has prejudicially affected the supply of canvas and dosuti to the Defence Department;

AND WHEREAS the Atherton West and Company Limited were mainly engaged in the production of coarse and medium varieties of cloth needed by the weaker sections of the community;

AND WHEREAS as a result of mismanagement the Atherton West and Company Limited has suffered losses exceeding the value of its available assets and has been closed down;

AND WHEREAS, in view of the adverse financial position of the Atherton West and Company Limited, some members of the Board of Directors of that company had, for some time, absconded;

AND WHEREAS it is necessary in the interests of the general public that the undertakings of the two companies aforesaid should be restarted, so that the production of the needed varieties of cloth may be continued;

BE it enacted by Parliament in the Twenty-seventh Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. *Short title and commencement.*—(1) This Act may be called the Laxmirattan and Atherton West Cotton Mills (Taking Over of Management) Act, 1976.

(2) It shall be deemed to have come into force on the 19th day of July, 1976.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

- (a) “appointed day” means the 19th day of July, 1976;
- (b) “Custodian” means the person, appointed under section 4, to take over the management of the undertakings of the two companies;
- (c) “notification” means the notification published in the Official Gazette;
- (d) “two companies” means—

(i) the Atherton West and Company Limited, a company within the meaning of the Companies Act, 1956 (1 of 1956), and have its registered office at Anwarganj, Kanpur, in the State of Uttar Pradesh, and

(ii) the Laxmirattan Cotton Mills Company Limited, a company within the meaning of the Companies Act, 1956 (1 of 1956), and having its registered office at Behari Niwas, Kanpur, in the State of Uttar Pradesh.

CHAPTER II

TAKING OVER OF THE MANAGEMENT OF THE UNDERTAKINGS OF THE TWO COMPANIES

3. *Management of the undertakings of two companies to vest in the Central Government.*—(1) On and from the appointed day, the management of the undertakings of the two companies shall vest in the Central Government.

(2) The undertakings of each of the two companies shall be deemed to include all assets, rights, leaseholds, powers, authorities and privileges, and all property, movable and immovable, including lands, buildings, works, workshops, projects, stores, spares, instruments, machinery, equipment, automobiles and other vehicles, cash balances, reserve fund, investments and book debts and all other rights and interests arising out of such property as were, immediately before the appointed day, in the ownership, possession, power or control of the concerned company, whether within or without India, and all books of account, registers, and all other documents of whatever nature relating thereto.

(3) Any contract, whether express or implied, or other arrangement, in so far as it relates to the management of the business and affairs of either of the two companies in relation to its undertakings, and in force immediately before the appointed day, shall be deemed to have terminated on the appointed day.

(4) All persons in charge of the management, including persons holding offices as Directors, managers or any other managerial personnel of either of the two companies, immediately before the appointed day, shall be deemed to have vacated their offices as such on the appointed day.

(5) Notwithstanding anything contained in any other law for the time being in force, no person in respect of whom any contract of management or other arrangement is terminated by reason of the provisions contained in sub-section (3), or who ceases to hold any office by reason of the provisions contained in sub-section (4), shall be entitled to claim any compensation for the premature termination of the contract of management or other arrangement or for the loss of office as the case may be.

(6) Notwithstanding any judgment, decree or order of any court, tribunal or other authority or anything contained in any other Law (than this Act) for the time being in force, every Receiver or other person in whose possession or custody or under whose control any undertaking of either of the two companies or any part thereof may be immediately before the appointed day, shall, on the commencement of this Act, deliver possession of the said undertaking or such part thereof, as the case may be, to the Custodian, where no Custodian has been appointed, to such other person as the Central Government may direct.

(7) For the removal of doubts, it is hereby declared that any liability incurred by either of the two companies in relation to its undertakings before the appointed day shall be enforceable against the concerned company and not against the Central Government or the Custodian.

4. Custodian of the two companies.—(1) The Central Government may, as soon as it is convenient administratively so to do, appoint any person or body of persons (including a Government company, whether in existence at the commencement of this Act or incorporated thereafter) as the Custodian of the undertakings of either, or both, of the two companies for the purpose of carrying on the management of such undertakings and the Custodian so appointed shall carry on the management of the undertakings of the two companies for and on behalf of the Central Government.

(2) On the appointment of the Custodian under sub-section (1), the management of the undertakings of the two companies shall vest in such Custodian and all persons in charge of the management of such undertakings immediately before such appointment shall cease to be in charge of such management and shall be bound to deliver such management to the Custodian.

(3) The Central Government may, by notification authorise the Custodian to appoint any person (including a Government company, whether in existence at the commencement of this Act or incorporated thereafter) as the Additional Custodian of the undertakings of either, or both, of the two companies.

(4) The Additional Custodian shall assist the Custodian in the exercise of his or its powers and duties under this Act and shall function under the direction, supervision and control of the Custodian; and the Custodian may delegate to the Additional Custodian all or such of his or its powers as he or it may think fit.

(5) Subject to any general or special direction given or condition imposed by the Custodian, any person authorised by the Custodian to exercise any power may exercise that power in the same manner and with the same effect as if it had been conferred on that person directly by this Act and not by way of authorisation.

(6) The Central Government may issue such directions (including directions as to initiating, defending or continuing any legal proceedings before any court, tribunal or other authority) to the Custodian as to his or its powers and duties as the Central Government deems to be desirable in the circumstances of the case, and the Custodian may also apply to the Central Government at any time for instructions as to the manner in which he or it shall conduct the management of the undertakings of either, or both, of the two companies or in relation to any other matter arising in the course of such management.

(7) Subject to the other provisions of this Act and the control of the Central Government, the Custodian shall be entitled, notwithstanding anything contained in the Companies Act, 1956, (1 of 1956) to exercise all the powers of the Board of directors of the two companies (including the power to dispose of any properties or assets of the two companies) whether such powers are derived from the Companies Act, 1956, or from the memorandum and articles of association of the concerned company or from any other source.

(8) Every person having possession, custody or control of any property forming part of any undertaking of either of the two companies shall deliver forthwith such property to the Custodian or to any officer or other employee of the Central Government or the Custodian as may be authorised by the Central Government in this behalf.

(9) Any person who, on the appointed day, has in his possession or under his control any books, papers or other documents relating to the undertakings of either or, both, of the two companies, including the minutes books containing the resolutions of the persons in charge of the management thereof before the appointed day, the current cheque books relating to the undertakings of such company, any letters, memoranda, notes or other communications between him and such company, shall notwithstanding anything contained in any other law for the time being in force, be liable to account for the books, papers and other documents (including such minutes books, cheque books, letters, memoranda, notes or other communications) to the Custodian and shall deliver them up to the Custodian or to any such person (being an officer or other employee of the Central Government or the Custodian) as may be authorised by the Central Government in this behalf.

(10) Every person in charge of the management of the undertakings of either of the two companies immediately before the appointed day shall, within ten days from that day or within such further period as the Central Government may allow in this behalf, furnish to the Custodian a complete inventory of all the properties and assets (including particulars of book debts and investments and belongings) forming part of the undertakings of such company immediately before the appointed day and of all the liabilities and obligations of such company in relation to its undertakings, subsisting immediately before that day, and also of all agreements entered into by such company in relation to its undertakings and in force immediately before that day.

(11) The Custodian and the Additional Custodian shall receive from the funds of the undertakings of each of the two companies such remuneration as the Central Government may fix.

5. Payment of amount.—(1) Each of the two companies shall be given by the Central Government an amount, in cash, and at the rate specified in sub-section (2), for the vesting in it, under section 3, of the management of the undertakings of each such company.

(2) For every month during which the management of the undertakings of each of the two companies remains vested in the Central Government under this Act, the amount, referred to in sub-section (1), shall be computed at the rate of—

(a) rupees ten thousand per annum in the case

of Laxmirattan Cotton Mills Company Limited; and

(b) rupees eight thousand per annum in the case of Atherton West and Company Limited.

CHAPTER III

POWER TO PROVIDE RELIEF TO ANY UNDERTAKING OR TO THE UNDERTAKINGS OF EITHER OF THE TWO COMPANIES

6. *Power of Central Government to make certain declarations in relation to certain undertakings.*—(1) The Central Government may, if satisfied, in relation to any undertaking of either of the two companies or any part thereof, the management of which has vested in it under this Act, that it is necessary so to do in the interests of the general public with a view to preventing any fall in the volume of production of such undertaking, by notification, declare that—

(a) all or any of the enactments specified in the Schedule shall not apply or shall apply with such adaptations, whether by way of modification, addition or omission (which does not, however affect the policy of the said enactments) to such undertaking as may be specified in such notification, or

(b) the operation of all or any of the contracts, assurances of property, agreements, settlements, awards, standing orders or other instruments in force (to which such undertaking or the company owning such undertaking is a party or which may be applicable to such undertaking or company) immediately before the date of issue of the notification shall remain suspended or that all or any of the rights, privileges, obligations and liabilities accruing or arising thereunder before the said date, shall remain suspended or shall be enforceable with such adaptations and in such manner as may be specified in the notification.

(2) The notification made under sub-section (1) shall remain in force, in the first instance, for a period of one year but the duration of such notification may be extended from time to time by a further notification by a period not exceeding one year at a time:

Provided that no such notification shall, in any case, remain in force after the expiry of three years from the commencement of this Act.

(3) Any notification made under sub-section (1) shall have effect notwithstanding anything to the contrary contained in any other law, agreement or instrument or any decree or order of a court, tribunal, officer or other authority or of any submission, settlement or standing order.

(4) Any remedy for the enforcement of any right, privilege, obligation or liability referred to in clause (b) of sub-section (1) and suspended or modified and all proceedings relating thereto pending before any court, tribunal, officer or other authority shall accordingly remain stayed or be continued subject to such adaptations; so, however, that on the notification ceasing to have effect—

(a) any right, privilege, obligation or liability so remaining suspended or modified shall become revived and enforceable as if the notification had never been made;

(b) any proceeding so remaining stayed shall be proceeded with subject to the provisions of any law which may be then in force, from the stage which had been reached when the proceeding became stayed.

(5) In computing the period of limitation for the enforcement of any right, privilege, obligation or liability referred to in clause (b) of sub-section (1), the period during which it or the remedy for the enforcement thereof remained suspended shall be excluded.

CHAPTER IV

MISCELLANEOUS

7. *Act to have over-riding effect.*—The provisions of this Act or any notification, order or rule made thereunder, shall have effect notwithstanding anything inconsistent therewith contained in any law (other than this Act) or in any instrument having effect by virtue of any law other than this Act or in any decree or order of any court.

8. *Application of Act 1 of 1956.*—(1) Notwithstanding anything contained in the Companies Act, 1956, or in the memorandum or articles of association of either of the two companies, so long as the management of the undertakings of the two companies remains vested in the Central Government,—

- (a) it shall not be lawful for the shareholders of either of the two companies or any other person to nominate or appoint any person to be a director of such company;
- (b) no resolution passed at any meeting of the shareholders of either of the two companies on or after the appointed day shall be given effect to unless approved by the Central Government;
- (c) no proceeding for the winding up of either of the two companies or for the appointment of a liquidator or receiver in respect thereof shall lie in any court except with the consent of the Central Government.

(2) Subject to the provisions contained in sub-section (1), and to the other provisions contained in this Act and subject to such other exceptions, restrictions and limitations, if any, as the Central Government may, by notification, specify in this behalf, the Companies Act, 1956 (I of 1956) shall continue to apply to the two companies in the same manner as it applied thereto before the appointed day.

9. *Exclusion of period of operation of this Act from limitation.*—In computing the period of limitation prescribed by any law for the time being in force for any suit or application against any person by either of the two companies in respect of any matter arising out of any transaction in relation to the undertaking of any of the two companies, the time during which this Act remains in force shall be excluded.

10. *Protection of action taken in good faith.*—(1) No suit, prosecution or other legal proceeding shall lie against the Custodian, Additional Custodian or any officer or other employee of the Central Government or the Custodian for anything which is in good faith done or intended to be done under this Act.

(2) No suit or other legal proceeding shall lie against the Central Government or the Custodian or the Additional

Custodian or any of the officers or other employees of the Central Government or the Custodian for any damage caused or likely to be caused by anything which is in good faith done or intended to be done under this Act.

11. Contracts, etc., in bad faith may be cancelled or varied.—(1) If the Central Government is satisfied, after such inquiry as it may think proper, that any contract or agreement entered into at any time within three years immediately preceding the appointed day between either of the two companies or managing or other director of any such company and any other person in relation to any service, sale or supply to, or by, the undertakings of either of the two companies, and in force immediately before the appointed day, has been entered into in bad faith, or is detrimental to the interests of the undertaking of the concerned company, it may make, within one hundred and eighty days from the appointed day, an order cancelling or varying (either unconditionally or subject to such conditions as it may think fit to impose) such contract or agreement and thereafter the contract or agreement shall have effect accordingly:

Provided that no contract or agreement shall be cancelled or varied except after giving to the parties to the contract or agreement a reasonable opportunity of being heard.

(2) Any person aggrieved by an order made under sub-section (1) may make an application to the principal civil court of original jurisdiction within the local limits of whose jurisdiction the registered office of the concerned company is situated for the variation or reversal of such order and thereupon such court may confirm, modify or reverse such order.

12. Avoidance of voluntary transfers.—Any transfer of property, movable or immovable, or any delivery of goods made by or on behalf of either of the two companies (not being a transfer or delivery made in the ordinary course of its business or in favour of a purchaser for valuable consideration and in good faith), if made within a period of six months immediately preceding the appointed day, shall be void against the Central Government or the Custodian, as the case may be.

13. Power to terminate contracts of employment.—If the Custodian is of opinion that any contract of employment entered into by either of the two companies or any managing agent or managing of other director of either of the two companies at any time before the appointed day is unduly onerous, he or it may, by giving to the employee one month's notice in writing or salary or wages for one month in lieu thereof, terminate such contract of employment.

14. Penalties.—(1) Any person, who—

- (a) having in his possession or custody or under his control any property forming part of any undertaking of either of the two companies, wrongfully withholds such property from the custodian or any person authorised under this Act, or
- (b) wrongfully retains possession of any such property, or
- (c) wilfully retains any property forming part of any undertaking of either of the two companies or removes or destroys it, or
- (d) wilfully withholds from, or fails to deliver to, the Custodian or any person authorised under this Act, any books, papers or other documents relating to any undertaking of either of the two companies,

which may be in his possession, power or custody or under his control, or

(e) fails, without any reasonable excuse, to furnish information or particulars as provided in sub-section (8) of section 4, shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to ten thousand rupees, or with both.

(2) No court shall take cognizance of an offence punishable under this section except with the previous sanction of the Central Government or an officer authorised by that Government in this behalf.

15. Offences by companies.—(1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

- (a) "company" means any body corporate and includes a firm or other association of individuals; and
- (b) "director", in relation to a firm, means a partner in the firm.

16. Power to make rules.—(1) The Central Government may, by notification, make rules for carrying out the provisions of this Act.

(2) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

17. Repeal and saving.—The Laxmirattan and Atherton West Cotton Mills (Taking Over of Management) Ordinance, 1976 (11 of 1976), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Ordinance so repealed shall be deemed to have been done or taken under the corresponding provisions of this Act.

THE SCHEDULE

(See section 6)

1. The Industrial Employment (Standing Orders) Act, 1946 (20 of 1946).
2. The Industrial Disputes Act, 1947 (14 of 1947).
3. The Minimum Wages Act, 1948 (11 of 1948).

Assented to on 9-9-1976.

THE SALARIES AND ALLOWANCES OF MEMBERS OF PARLIAMENT (AMENDMENT) ACT, 1976

(ACT NO. 105 OF 1976)

AN
ACT

further to amend the Salaries and Allowances of Members of Parliament Act, 1954.

BE it enacted by Parliament in the Twenty-seventh Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Salaries and Allowances of Members of Parliament (Amendment) Act, 1976.

2. *Amendment of long title.*—In the Salaries and Allowances of Members of Parliament Act, 1954 (30 of 1954) (hereinafter referred to as the principal Act), in the long title, for the words "salaries and allowances", the words "salary, allowances and pension" shall be substituted.

3. *Amendment of section 1.*—In section 1 of the principal Act, in sub-section (1), for the words "Salaries and Allowances", the words "Salary, Allowances and Pension" shall be substituted.

4. *Amendment of section 2.*—In section 2 of the principal Act, for sub-clause (b) of clause (e), the following sub-clause shall be substituted, namely:—

(b) in relation to a new member,—

- (i) where such new member is a member of the Council of States elected in a biennial election, or nominated, to that House, the period beginning with the date of publication of the notification in the Official Gazette notifying his name under section 71 of the Representation of the People Act, 1951 (43 of 1951); or
- (ii) where such new member is a member of the House of the People elected in a general election held for the purpose of constituting a new House of the People, the period beginning with the date of publication of the notification of the Election Commission under section 73 of the said Act; or
- (iii) where such new member is a member of either House of Parliament elected in a bye-election to that House or a member nominated to the House of the People, the period beginning with the date of his election referred to in section 67A of the said Act or, as the case may be, the date of his nomination,

and ending with, in each such case, the date on which his seat becomes vacant.

5. *Amendment of section 5.*—Section 5 of the principal Act shall be re-numbered as sub-section (1) thereof and after that sub-section as so re-numbered, the following sub-section shall be inserted, namely:—

"(2) Where in any year a member does not perform during any session any such journey as is referred to in the second proviso to sub-section (1), or the number of such journeys performed by him during any session is less than the maximum specified in that proviso with respect to such session, then, such member shall be entitled to perform all or, as the case may be, the remaining number, of such journeys during any other session or sessions in that year, in addition to the number of journeys which he is otherwise entitled to perform under that proviso during such other session or sessions.".

6. *Insertion of new section 6C.*—After section 6B of the principal Act, the following section shall be inserted, namely:—

"6C. *Air travel facilities in certain circumstances.*—Without prejudice to the other provisions of this Act, where during any part of a year the usual place of residence of a member in his constituency is inaccessible to or from any place outside his constituency by road, rail or steamer due to climatic conditions, but there is air service between any place in his constituency, and the nearest place, having rail service, outside his constituency, such member shall be entitled to travel to and fro by air from the nearest place in his constituency where there is air service to such place having rail service:

Provided that where the nearest place having air service is outside his constituency, such member shall be entitled to travel to and fro by air only from such place to the nearest place having rail service.".

7. *Insertion of new section 8A.*—After section 8 of the principal Act, the following section shall be inserted, namely:—

"8A.—*Pension.*—(1) With effect from the commencement of the Salaries and Allowances of Members of Parliament (Amendment) Act, 1976, there shall be paid a pension of three hundred rupees per mensem to every person who has served for a period of five years, whether continuous or not,—

- (i) as a member of the Council of States; or
- (ii) as a member of the House of the People; or
- (iii) partly as a member of the Council of States and partly as a member of the House of the People; or
- (iv) as a member of the Provisional Parliament; or
- (v) partly as a member of the Provisional Parliament and—

- (a) partly as a member of the Council of States and partly as a member of the House of the People, or
- (b) partly as a member of the Council of States or partly as a member of the House of the People: Provided that where any person has served as aforesaid for a period exceeding five years, there shall be paid to him an additional pension of fifty rupees per mensem for every year in excess of five, so, however, that in no case the pension payable to such person shall exceed five hundred rupees per mensem.

Explanation. - For the purposes of clauses (iv) and (v) of sub-section (1), "Provisional Parliament" shall include the body which functioned as the Constituent Assembly of the Dominion of India immediately before the Commencement of the Constitution.

(2) Where any person entitled to pension under sub-section (1),—

(i) is elected to the office of the President or Vice-President or is appointed to the office of the Governor of any State or the Administrator of any Union territory; or

(ii) becomes a member of the Council of States or the House of the People or any Legislative Assembly of a State or Union territory or any legislative Council of a State or the Metropolitan Council of Delhi constituted under section 3 of the Delhi Administration Act, 1966 (19 of 1966); or

(iii) is employed on a salary under the Central Government or any State Government, or any corporation owned or controlled by the Central Government or any State Government, or any local authority or becomes otherwise entitled to any remuneration from such Government, corporation or local authority,

such person shall not be entitled to any pension under sub-section (1) for the period during which he continues to hold such office or as such member, or is so employed, or continues to be entitled to such remuneration:

Provided that where the salary payable to such person for holding such office or being such member or so employed, or where the remuneration referred to in clause (iii) payable to such person, is, in either case, less than the pension payable to him under sub-section (1), such person shall be entitled only to receive the balance as pension under that sub-section.

(3) Where any person entitled to pension under sub-section (1) is also entitled to any pension from the Central Government or any State Government, or any corporation owned or controlled by the Central Government or any State Government, or any local authority, under any law or otherwise, then,—

(a) where the amount of pension to which he is entitled under such law or otherwise, is equal to or in excess of that to which he is entitled under sub-section (1), such person shall not be entitled to any pension under that sub-section; and

(b) where the amount of pension to which he is entitled under such law or otherwise, is less than that to which he is entitled under sub-section (1), such person shall be entitled to pension under that sub-section only of an amount which falls short of the amount of pension to which he is otherwise entitled under that sub-section.

(4) In computing the number of years, for the purposes of sub-section (1), the period during which a person has served as a Minister as defined in the Salaries and Allowances of Ministers Act, 1952 (58 of 1952) or an Officer of Parliament as defined in the Salaries and Allowances of Officers of Parliament Act, 1953 (20 of 1953), (other than the Chairman of the Council of States), or both, by virtue of his membership in the House of the People or in the

Council of States shall also be taken into account.”.

8. Amendment of section 9.—In sub-section (3) of section 9 of the principal Act,—

(a) after clause (e), the following clause shall be inserted, namely:—

“(ee) the form in which certificates, if any, shall be furnished by any person for the purpose of claiming any pension under this Act;”;

(b) in clause (g), for the words “daily and travelling allowances”, the words daily and travelling allowances and pension” shall be substituted.

Assented to on 13-9-76.

THE UNTOUCHABILITY (OFFENCES) AMENDMENT AND MISCELLANEOUS PROVISION ACT 1976

(ACT NO. 106 OF 1976)

AN

ACT

to amend the 'Untouchability (Offences) Act, 1955 and further to amend the Representation of the People Act, 1951.

BE it enacted by Parliament in the Twenty-seventh Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. Short title and Commencement.—(1) This Act may be called the Untouchability (Offences) Amendment and Miscellaneous Provision Act, 1976.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

CHAPTER II

AMENDMENT OF THE UNTOUCHABILITY (OFFENCES) ACT, 1955

2. Amendment of the long title.—In the Untouchability (Offences) Act, 1955 (22 of 1955) (hereinafter referred to as the principal Act), in the long title, for the words 'practice of "Untouchability"', the words 'preaching and practice of "Untouchability"', shall be substituted.

3. Amendment of section 1.—In section 1 of the principal Act, in sub-section (1), for the words and brackets “the Untouchability (Offences) Act”, the words “the Protection of Civil Rights Act”, shall be substituted.

4. Amendment of section 2.—In section 2 of the principal Act,—

(i) clause (a) shall be re-lettered as clause (aa), and before clause (aa) or so re-lettered, the following clause shall be inserted, namely:—

(a) "civil rights" means any right accruing to a person by reason of the abolition of "untouchability" by article 17 of the Constitution; ;

(ii) for clause (b), following clause shall be substituted, namely:—

(b) "place" includes a house, building and other structure and premises; and also includes a tent, vehicle and vessel; ;

(iii) in clause (d), for the words "and includes all lands and subsidiary shrines appurtenant or attached to any such place; ", the following shall be substituted, namely:—

"and includes—

(i) all lands and subsidiary shrines appurtenant or attached to any such place,

(ii) a privately owned place of worship which is, in fact, allowed by the owner thereof to be used as a place of public worship, and

(iii) such land or subsidiary shrine appurtenant to such privately owned place of worship as is allowed by the owner thereof to be used as a place of public religious worship; ;

(iv) after clause (d), the following clauses shall be inserted, namely:—

(da) "prescribed" means prescribed by rules made under this Act.

(db) "Scheduled Castes" has the meaning assigned to it in clause (24) of article 366 of the Constitution ; ;

(v) in clause (e), for the words "and includes a laundry, a hair cutting saloon and any other place where services are rendered to customers", the following shall be substituted, namely:—

"and includes—

(i) any place from where goods are sold by a hawker or vendor or from a mobile van or cart,

(ii) a laundry and a hair cutting, saloon,

(iii) any other place where services are rendered to customers."

5. *Amendment of section 3.*—In section 3 of the principal Act,—

(i) in clause (a), the words "or belonging to the same religious denomination" shall be omitted;

(ii) in clause (b),—

(a) after the word "water-course", the words "river or lake or bathing at any ghat of such tank, water-course, river or lake" shall be inserted ;

(b) the words "or belonging to the same religious denomination" shall be omitted;

(iii) for the words "shall be punishable with imprisonment which may extend to six months, or with fine which may extend to five hundred rupees, or with both", the words "shall be punishable with imprisonment for a term of not less than one month and not more than six months and also with fine which shall be not less than one hundred

rupees and not more than five hundred rupees" shall be substituted.

6. *Amendment of section 4.*—In section 4 of the principal Act,—

(i) for the words "persons professing the same religion or belonging to the same religious denomination or any section thereof, as such person," wherever they occur, the words "any section thereof" shall be substituted;

(ii) in clause (iii), after the words "trade or business", the words "or employment in any job" shall be inserted;

(iii) in clause (x), for the words "taking part in any religious procession", the words "taking part in, or taking out, any religious, social or cultural procession" shall be substituted ;

(iv) for the words "shall be punishable with imprisonment which may extend to six months, or with fine which may extend to five hundred rupees, or with both", the words shall be punishable with imprisonment for a term of not less than one month and not more than six months and also with fine which shall be not less than one hundred rupees and not more than five hundred rupees" shall be substituted ;

(v) the following *Explanation* shall be inserted at the end, namely:—

'Explanation.—For the purposes of this section, "enforcement of any disability includes any discrimination on the ground of "untouchability".

7. *Amendment of section 5.*—In section 5 of the principal Act,—

(i) in clause (a), the words "attached thereto" shall be omitted;

(ii) for the words "shall be punishable with imprisonment which may extend to six months, or with fine which may extend to five hundred rupees, or with both", the words "shall be punishable with imprisonment for a term of not less than one month and not more than six months and also with fine which shall be not less than one hundred rupees and not more than five hundred rupees" shall be substituted.

8. *Amendment of section 6.*—In section 6 of the principal Act, for the words "shall be punishable with imprisonment which may extend to six months, or with fine which may extend to five hundred rupees, or with both", the words "shall be punishable with imprisonment for a term of not less than one month and not more than six months and also with fine which shall be not less than one hundred rupees and not more than five hundred rupees" shall be substituted.

9. *Amendment of section 7.*—In section 7 of the principal Act,—

(i) in sub-section (1),—

(a) in clause (c), the word "or" shall be inserted at the end;

(b) after clause (c), as so amended, the following clause shall be inserted, namely:—

- (d) insults or attempts to insult, on the ground of "untouchability", a member of a Scheduled Caste;" ;
- (c) for the words "shall be punishable with imprisonment which may extend to six months, or with fine which may extend to five hundred rupees, or with both", the words "shall be punishable with imprisonment for a term of not less than one month and not more than six months and also with fine which shall be not less than one hundred rupees and not more than five hundred rupees" shall be substituted ;
- (d) the *Explanation* shall be re-numbered as *Explanation I*, and after explanation I as so re-numbered, the following *Explanation* shall be inserted, namely:—

'Explanation II.—For the purposes of clause (c), a person shall be deemed to incite or encourage the practice of "untouchability"—

- (i) if he, directly or indirectly, preaches "untouchability" or its practice in any form; or
- (ii) if he justifies, whether on historical, philosophical or religious grounds or on the ground of any tradition of the caste system or on any other ground, the practice of untouchability" in any form.';
- (ii) after sub-section (1), the following sub-section shall be inserted, namely:—

'(1A) Whoever commits any offence against the person or property of any individual as a reprisal or revenge for his having exercised any right accruing to him by reason of the abolition of "untouchability under article 17 of the Constitution, shall, where the offence is punishable with imprisonment for a term exceeding two years, be punishable with imprisonment for a term which shall not be less than two years and also with fine.';

- (iii) in sub-section (2), clause (ii), for the words "shall be punishable with imprisonment which may extend to six months, or with fine which may extend to five hundred rupees, or with both", the words "shall be punishable with imprisonment for a term of not less than one month and not more than six months, and also with fine which shall be not less than one hundred rupees and not more than five hundred rupees" shall be substituted.

10. Insertion of new section 7A.—After section 7 of the principal Act, the following section shall be inserted, namely:—

'7A. Unlawful compulsory labour when to be deemed to be a practice of untouchability.—(1) Whoever compels any person, on the ground of "untouchability", to do any scavenging or sweeping or to remove any carcass or to flay any animal or to remove the umbilical cord or to do any other job of a similar nature, shall be deemed to have enforced a disability arising out of "untouchability".

(2) Whoever is deemed under sub-section (1) to have enforced a disability arising out of "untouchability" shall be punishable with imprisonment for a term which

shall not be less than three months and not more than six months and also with fine which shall not be less than one hundred rupees and not more than five hundred rupees.

Explanation.—For the purposes of this section, "compulsion" includes a threat of social or economic boycott.

11. Amendment of section 9.—In section 9 of the principal Act, after the words "place of public worship", the words "or any educational institution or hostel" shall be inserted.

12. Amendment of section 10.—In section 10 of the principal Act, the following *Explanation* shall be inserted at the end, namely:—

"Explanation.—A public servant who wilfully neglects the investigation of any offence punishable under this Act shall be deemed to have abetted an offence punishable under this Act. ".

13. Insertion of new section 10A.—After section 10 of the principal Act, the following section shall be inserted, namely:—

"10A. Power of State Government to impose collective fine.—(1) If, after an inquiry in the prescribed manner, the State Government is satisfied that the inhabitants of an area are concerned in, or abetting the commission of, any offence punishable under this Act, or harbouring persons concerned in the commission of such offence or failing to render all the assistance in their power to discover or apprehend the offender or offenders or suppressing material evidence of the commission of such offence, the State Government may, by notification in the Official Gazette, impose a collective fine on such inhabitants and apportion such fine amongst the inhabitants who are liable collectively to pay it, and such apportionment shall be made according to the State Government's judgment of the respective means of such inhabitants and in making any such apportionment the State Government may assign a portion of such fine to a Hindu undivided family to be payable by it :

Provided that the fine apportioned to an inhabitant shall not be realised until the petition, if any, filed by him under sub-section (3) is disposed of.

(2) The notification made under sub-section (1) shall be proclaimed in the area by beat of drum or in such other manner as the State Government may think best in the circumstances to bring the imposition of the collective fine to the notice of the inhabitants of the said area.

(3) (a) Any person aggrieved by the imposition of the collective fine under sub-section (1) or by the order of apportionment, may, within the prescribed period, file a petition before the State Government or such other authority as that Government may specify in this behalf for being exempted from such fine or for modification of the order of apportionment:

Provided that no fee shall be charged for filing such petition.

(b) The State Government or the authority specified by it shall, after giving to the petitioner a reasonable opportunity of being heard, pass such order as it may think fit:

Provided that the amount of the fine exempted or reduced under this section shall not be realisable from any person, and the total fine imposed on the inhabitants of an area under sub-section (1) shall be deemed to have been reduced to that extent.

(4) Notwithstanding anything contained in sub-section (3), the State Government may exempt the victims of any offence punishable under this Act or any person who does not, in its opinion, fall within the category of persons specified in sub-section (1), from the liability to pay collective fine imposed under sub-section (1) or any portion thereof.

(5) The portion of collective fine payable by any person (including a Hindu undivided family) may be recovered in the manner provided by the Code of Criminal Procedure, 1973 (2 of 1974) for the recovery of fines imposed by a Court as if such portion were a fine imposed by a Magistrate.”.

14. Amendment of section 11.—In section 11 of the principal Act, for the words “shall, on every such subsequent conviction, be punishable with both imprisonment and fine”, the words brackets and letters “shall, on conviction, be punishable—

- (a) for the second offence, with imprisonment for a term of not less than six months and not more than one year, and also with fine which shall be not less than two hundred rupees and not more than five hundred rupees;
- (b) for the third offence or any offence subsequent to the third offence, with imprisonment for a term of not less than one year and not more than two years, and also with fine which shall be not less than five hundred rupees and not more than one thousand rupees” shall be substituted.

15. Amendment of section 12.—In section 12 of the principal Act, the words, brackets and figures “as defined in clause (24) of Article 366 of the Constitution” shall be omitted.

16. Insertion of new section 14 A.—After section 14 of the principal Act, the following section shall be inserted, namely:—

“14A.—Protection of action taken in good faith.—(1) No suit, prosecution or other legal proceeding shall lie against the Central Government or a State Government for anything which is in good faith done or intended to be done under this Act.

(2) No suit or other legal proceeding shall lie against the Central Government or a State Government for any damage caused or likely to be caused by anything which is in good faith done or intended to be done under this Act.”.

17. Substitution of section 15.—For section 15 of the principal Act, the following sections shall be substituted, namely:—

15. Offences to be cognizable and triable summarily.—(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), every offence punishable under this Act shall be cognizable and every such offence, except where it is punishable with imprisonment for a minimum term exceeding three months, may

be tried summarily by a Judicial Magistrate of the first class or in a metropolitan area by a Metropolitan Magistrate in accordance with the procedure specified in the said Code.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), when any public servant is alleged to have committed the offence of abetment of an offence punishable under this Act, while acting or purporting to act in the discharge of his official duty, no court shall take cognizance of such offence of abetment except with the previous sanction—

- (a) of the Central Government, in the case of a person employed in connection with the affairs of the Union; and
- (b) of the State Government in the case of a person employed in connection with the affairs of a State.

15A. Duty of State Government to ensure that the rights accruing from the abolition of “untouchability” may be availed of by the concerned persons.—(1) Subject to such rules as the Central Government may make in this behalf, the State Government shall take such measures as may be necessary for ensuring that the rights arising from the abolition of “untouchability” are made available to, and are availed of by, the persons subjected to any disability arising out of “untouchability”.

(2) In particular, and without prejudice to the generality of the provisions of sub-section (1), such measures may include—

- (i) the provision of adequate facilities, including legal aid to the persons subjected to any disability arising out of “untouchability” to enable them to avail themselves of such rights;
- (ii) the appointment of officers for initiating or exercising supervision over prosecutions for the contravention of the provisions of this Act;
- (iii) the setting up of special courts for the trial of offences under this Act;
- (iv) the setting up of Committees at such appropriate levels as the State Government may think fit to assist the State Government in formulating or implementing such measures;
- (v) provision for a periodic survey of the working of the provisions of this Act with a view to suggesting measures for the better implementation of the provisions of this Act;
- (vi) the identification of the areas where persons are under any disability arising out of “untouchability” and adoption of such measures as would ensure the removal of such disability from such areas.

(3) The Central Government shall take such steps as may be necessary to co-ordinate the measures taken by the State Governments under sub-section (1).

(4) The Central Government shall, every year, place on the Table of each House of Parliament, a report on the measures taken by itself and by the State Governments in pursuance of the provisions of this section.

18. *Insertion of new sections 16A and 16B.*—After section 16 of the principal Act, the following sections shall be inserted, namely:—

“16A. *Probation of offenders Act, 1958, not to apply to persons above the age of fourteen years.*—The Provisions of the Probation of offenders Act, 1958 (20 of 1958), shall not apply to any person above the age of fourteen years who is found guilty of having committed any offence punishable under this Act.

16B. *Power to make rules.*—(1) The Central Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

(2) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annualment shall be without prejudice to the validity of anything previously done under that rule.”.

CHAPTER III

MISCELLANEOUS

19. *Construction of references.*—References in any Act, rule, notification or order to the Untouchability (Offences) Act, 1955, shall, on the commencement of this Act, be construed as references to the Protection of Civil Rights Act, 1955 (22 of 1955).

20. *Savings.*—The alteration of the short title of the Untouchability (Offences) Act, 1955 (22 of 1955), shall not—

- (a) affect the previous operation of the Untouchability (Offences) Act, 1955, or anything duly done or suffered thereunder previous to such alteration; or
- (b) affect any right, privilege, obligation or liability acquired, accrued or incurred under the

Untouchability (Offences) Act, 1955, previous to the alteration of its short title; or

- (c) affect any penalty or punishment incurred in respect of any offence committed against the Untouchability (Offences) Act, 1955 (22 of 1955), before the commencement of this Act; or
- (d) affect any investigation, legal proceeding or remedy in respect of any such right privilege, obligation, liability penalty or punishment as aforesaid,

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty or punishment may be imposed as if this Act had not been passed.

CHAPTER IV

AMENDMENT OF THE REPRESENTATION OF THE PEOPLE ACT, 1951

21. *Amendment of Act 43 of 1951.*—In section 8 of the Representation of the People Act, 1951, in subsection (1), after the words “the Indian Penal Code,” the words and figures “or under the Protection of Civil Rights Act, 1955” shall be inserted.

Bill No. 85-F of 1976.

THE CONSTITUTION (FORTY-FIRST AMENDMENT) BILL, 1976

(AS PASSED BY THE HOUSES OF PARLIAMENT)

A

BILL

further to amend the Constitution of India

BE it enacted by Parliament in the Twenty-seventh year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Constitution (Forty-first Amendment) Act, 1976.

2. *Amendment of article 316.*—In article 316 of the Constitution, in clause (2), for the words “sixty years”, the words “sixty-two years” shall be substituted.

भाग 7—भारतीय निर्वाचन प्रायोग (Election Commission of India) की वैधानिक अधिसूचनाएं तथा अन्य निर्वाचन सम्बन्धी अधिसूचनाएं

शून्य

अनुपूरक

शून्य